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ABSTRACT

The U.S. Commission on Civil Rights held two days of hearings in Phoenix to investigate the civil rights status of Arizona Indian Tribes, to ascertain the nature and extent of their problems, and to try to arrive at a means to rectify those problems. The testimony offered at the public session came from representatives of local, state, Federal and Tribal governments, persons from the private sector, and individual citizens. In an opening statement, Donald R. Antone, President of the Intertribal Council of Arizona, spoke of the differences in needs and desires between city-dwelling and Reservations and of the paternalistic intervention in reservation affairs by outside "do-gooders". He also listed education, welfare, industrial and tourism development, and taxation and services to Indians by the State of Arizona as the four areas of most critical need. In another overview, two representatives from the Mojave and Colorado Rivers Tribes discussed employment problems, particularly limited chances for job advancement, misuse of Johnson O'Malley funds, enforcement of Public Law 280, poor medical service, and welfare difficulties. Medical needs were further explored in a series of testimony that included three panel discussions by the San Carlos Apaches and Indians residing in Phoenix and Tucson. Also discussed in the hearings were problems relating to education, administration of justice, and employment practices and opportunities. (DS)

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Hearing

BEFORE THE

UNITED STATES
COMMISSION ON CIVIL RIGHTS

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HEARING HELD
IN
PHOENIX, ARIZONA
November 17–18, 1972

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U.S. DEPARTMENT OF HEALTH,
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Hearing

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UNITED STATES
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HEARING HELD
IN
PHOENIX, ARIZONA
November 17–18, 1972

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John A. Buggs, *Staff Director*
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UNITED STATES COMMISSION ON CIVIL RIGHTS

FRIDAY, NOVEMBER 17, 1972

Phoenix Indian School
Phoenix, Arizona
Friday, November 17, 1972

The U.S. Commission on Civil Rights convened, pursuant to notice, at 8:30 a.m., Frankie M. Freeman, Commissioner, presiding.

PRESENT: Frankie M. Freeman, Commissioner; Manuel Ruiz, Commissioner; John A. Buggs, Staff Director; John H. Powell, Jr., General Counsel; Michael R. Smith, Assistant General Counsel; Joe C. Muskrat, Regional Director; Jerry Muskrat, Staff Attorney;

PROCEEDINGS

COMMISSIONER FREEMAN. The hearing will come to order. First we would like to call the court reporter, the sound engineers, and the clerks. Will you stand and be sworn, please?

(Whereupon, Joe C. McLaughlin was sworn by Commissioner Freeman as court reporter; Don O'Neil and Richard Read were sworn as sound engineers; and Ms. Mary Baltimore and Mr. Concepcion E. Baiza were sworn as clerks.)

COMMISSIONER FREEMAN. Ladies and gentlemen, I am Frankie M. Freeman, a St. Louis attorney and a member of the United States Commission on Civil Rights. I wish to welcome you to this hearing conducted by the Commission and introduce to you Mr. Manuel Ruiz, Jr., another member of the Commission and a Los Angeles attorney, who is serving with me on this hearing panel.

I also wish to introduce the members of the Commission staff who will participate in this hearing. They are, Mr. John A. Buggs, Staff Director of the Commission; Mr. John H. Powell, Jr., General Counsel of the Commission; and Mr. Michael Smith, Assistant General Counsel. Joining us later will be Mr. Isaiah T. Creswell, Jr., Director of the Commission's Office of Community Programming and Director of its Indian Project.

The civil rights of American Indians have long been a matter of concern to the United States Commission on Civil Rights. For many months our staff and members of our State Advisory Committees have been gathering information which is now culminating in a series of Commission hearings on Indian affairs of which this hearing in Phoenix is the second.

Our first hearing on the subject was held earlier this week in Albuquerque, New Mexico, and we shall hold further hearings on the subject in other parts of the country which have significant Indian populations, including one early next year on issues of concern on the Navajo Reservation.

This hearing is being held under the authority of the Civil Rights Act of 1957, as amended. As required by law, notice of this hearing was published in the *Federal Register* on Friday, October 13, 1972. A copy of this notice will be introduced into the record as Exhibit No. 1.

(Whereupon, the document referred to was marked as Exhibit No. 1 and received in evidence.)

The Commission is an independent, bipartisan agency of the United States Government established by Congress in 1957. Under the law, the Commission is required to submit to the President and the Congress reports which contain its findings and recommendations for corrective legislation or executive action. To enable the Commission to fulfill its duties, the Congress has empowered the Commission to hold hearings and issue subpenas for the attendance of witnesses and the production of documents. In order to produce as credible a record as possible, the Commission is authorized to take testimony under oath.

In just a few moments we will go into executive session in accordance with the statute governing Commission hearings which provides for such a session, closed to the public, during which persons who may be defamed, degraded, or incriminated by testimony given at the public sessions will have an opportunity to be heard.

A period has also been set aside in the hearing to give time to persons who have not been subpenaed but who feel they have relevant testimony which the Commission should hear.

The executive session is the only session closed to the public. At all other sessions the public is cordially invited to attend as observers.

In carrying out its legislative mandate, the Commission has made detailed studies in the fields of administration of justice, education, employment, health services, housing, and voting. To augment its studies in these fields it has held hearings in representative communities throughout the country.

We have come to Phoenix as part of the Commission's project of investigating the civil rights status of reservation and nonreservation Indians. The Commission is deeply disturbed by the fact that of any identifiable ethnic group of American citizens, Indians have one of the highest unemployment rates, and the lowest per capita income; that their infant mortality rates are higher and their life expectancy lower than the rest of the United States population.

Due in great part to the fact that they have been deprived of adequate schooling, they are generally relegated to the lowest rungs of the job ladder with almost no chance for upward mobility.

The Commission has come to Phoenix, Arizona, a city and State which are home to many Indian tribes, to ascertain the nature and extent of these problems and, hopefully, to arrive at a means of rectifying them.

I would like to emphasize that a Commission hearing is not an attempt to embarrass any one State, city, or individual, but is an exploration of circumstances that are representative of civil rights problems. The Commission's history shows that it has always been scrupulously honest and fair in its presentations even though the subject matter may be intrinsically emotional. The same objectivity will prevail at this hearing.

Federal law protects all witnesses subpenaed to appear before the Commission.

At this panel we will hear from representatives of the local, State, Federal and tribal governments, persons from the private sector, and individual citizens. We shall examine each element of the socioeconomic structure as it affects American Indians, recognizing that this ethnic group represents diverse histories, cultures, and social institutions. We shall also give careful consideration to the question of Indian control of Indian institutions and of programs serving Indian communities.

This session will end after the reading of the rules by Commissioner Ruiz. The Commission will then go into executive session in accordance with the statute governing Commission hearings.

The public session will reconvene later this morning at 10:00 a.m., with a recess for lunch between 12:00 and 1:30 p.m. Today's session will recess at 9:40 p.m. this evening.

Tomorrow's session will begin at 9:00 a.m., with a lunch recess from 12:30 to 1:30. The time between 5:30 and 7:30 p.m. has been set aside for unscheduled testimony. The hearing will conclude at 7:30 o'clock tomorrow.

COMMISSIONER RUIZ. At the outset, I should emphasize that the observation I am about to make on the Commission's rules constitutes nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members are present and available to answer questions which may arise during the course of the hearing.

In outlining the procedures which will govern the hearing, I think it is important to explain in some detail the differences between the public session and the executive session.

Section 102(e) of our statute provides, and I quote:

"If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade or incriminate any person, it shall receive such evidence or testimony in executive session."

(At this point the lights went out in the auditorium.)

COMMISSIONER FREEMAN. May we have your attention?

COMMISSIONER RUIZ. I will continue to read as loudly as I can. We seem to have a little bit of difficulty with the power outside. I would suggest under the emergency that everybody sitting in the back kindly come to the first two or three rows so that we won't have to speak so loudly. Will you kindly come to the front?

(Continuing reading of section 102(e) of the Commission's statute:)

"The Commission shall afford any person defamed, degraded or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session,"—

I will announce the room where that will be when I finish.

—"with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony."

The executive session to follow this morning is being held to comply with this statutory mandate. Several weeks ago, the Commission met in Washington and received the material which had been collected in preparation for this hearing. It was then determined that certain individuals were entitled to a hearing in executive session. Accordingly, these individuals were notified of their right to appear at this session. Each also was sent a copy of the Commission's rules, which explained this right, and was invited to communicate with the Commission in the event he wished to appear or had any questions concerning the executive procedure.

Although some of these persons have been subpenaed by the Commission to appear during the public session of this hearing, none of them was subpenaed to appear at this executive session. Several weeks ago they received notice of this executive session, and explanation of its purpose, and an invitation to appear if they so desired. They are not required by law to appear. The decision to appear or not to appear lies entirely with them. The executive session is for their benefit alone, and if they decide to forego this opportunity, that is their privilege.

In providing for an executive session, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which may be damaging to them should not be presented in public. Congress wished to minimize damage to reputations as much as possible. Congress wished to provide persons an opportunity to rebut unfounded charges before they are publicized. Obviously, this protection would be meaningless if the persons were confronted with, and required to respond in public to, the anticipated allegations.

Following the presentation of the testimony in executive session, and any statement in opposition to it, the Commissioners review the significance of the testimony and the merit of the opposition to it. In the event they find the testimony to be of insufficient credibility, or the opposition to it to be of sufficient merit, they may refuse to hear certain witnesses even though they have been subpenaed to testify in public session. An executive session of this type is the only portion of the entire hearing which is not, as Commissioner Freeman said, open to the public.

The public hearing which begins later this morning is somewhat different. The public and the press are invited and urged to attend. Copies of the rules which govern this hearing may be secured during any recess from the members of the executive staff. Persons who have been subpenaed and persons who have been afforded an opportunity to appear in executive session have already been given their copies.

All persons scheduled to appear in public session who live or work in Arizona have been subpenaed by the Commission.

All testimony at the executive and public sessions will be given under oath and will be transcribed verbatim by the official reporter. All witnesses at public and executive sessions are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He also may make objections on the record and argue briefly the basis for such objections.

Persons subpenaed to the public session and persons who have been afforded an opportunity to appear in executive session may require that witnesses be subpenaed on their behalf. All requests for subpenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought.

In addition, persons who have been afforded an opportunity to appear in executive session may be accompanied by a reasonable number of witnesses who need not be subpenaed. They may also submit statements prepared by themselves or others for inclusion in the record, provided these are submitted within the time required by the rules. All witnesses at public sessions have a similar right to introduce statements into the record. At public sessions there is a limited right of cross-examination which is spelled out in detail in the rules.

Finally, I should point out that in many cases the Commission has gone significantly beyond congressional requirements in its rules to provide safeguards for witnesses and other persons. We have done this with the intent of insuring that Commission hearings be conducted in the fairest and most impartial manner.

COMMISSIONER FREEMAN. Thank you, Commissioner Ruiz.

We are now about to adjourn this first session, the first public session, which will be reconvened here in this auditorium at 10 o'clock this morning.

The executive session will be held in the Music Auditorium of the Music School.

United States Marshal Bob Jones will be available to escort any persons who are responding to our invitation to appear at executive session. So for those of you who wish to appear, will you immediately identify yourselves to Marshal Jones, and he will escort you.

MR. POWELL. The people who are responding need not identify themselves publicly. Just make yourselves known to Mr. Jones and come on over to the executive session.

COMMISSIONER FREEMAN. At this point, this session is adjourned, and the public session will be reconvened here at 10:00 a.m. The executive session will begin immediately.

(Whereupon, at 9:02 a.m., the public session was recessed for the purpose of conducting an executive session.)

U.S. COMMISSION ON CIVIL RIGHTS

RECONVENED PUBLIC SESSION

FRIDAY, 10:05 a.m.

COMMISSIONER FREEMAN. This public hearing of the United States Commission on Civil Rights will come to order. Miss Joyce Long will be sworn.

(Whereupon, Joyce Long was sworn by Commissioner Freeman as clerk.)

COMMISSIONER FREEMAN. Ladies and gentlemen, I am Frankie M. Freeman, a St. Louis attorney and a member of the United States Commission on Civil Rights. I wish to welcome you to this hearing conducted by the Commission and introduce to you Mr. Manuel Ruiz, Jr., another member of the Commission and a Los Angeles attorney, who is serving with me on this hearing panel.

I also wish to introduce to you the members of the Commission staff who will participate in this hearing. They are Mr. John A. Buggs, Staff Director of the Commission; Mr. John H. Powell, Jr., General Counsel of the Commission; Mr. Michael Smith, Assistant General Counsel; and Mr. Jerry Muskrat, also a member of the staff. Mr. Isaiah T. Creswell, Director of the Commission's Office of Community Programming and Director of its Indian Project, will be joining us later.

The civil rights of American Indians have long been a matter of concern to the United States Commission on Civil Rights. For many months our staff and members of our State Advisory Committees have been gathering information which is now culminating in a series of Commission hearings on Indian affairs of which this hearing in Phoenix is the second.

Our first hearing on the subject was held earlier this week in Albuquerque, New Mexico, and we shall hold further hearings on the subject in other parts of the country which have significant Indian populations, including one early next year on issues of concern on the Navajo Reservation.

This hearing is being held under the authority of the Civil Rights Act of 1957, as amended. As required by law, notice of this hearing was published in the *Federal Register* on Friday, October 13, 1972. A copy of this notice has been introduced into the record as Exhibit No. 1.

The Commission is an independent, bipartisan agency of the United States Government established by Congress in 1957. Its duties are as follows:

1. To investigate sworn allegations that citizens are being

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deprived of their right to vote by reason of their race, color, religion, or national origin;

2. To study and collect information regarding legal developments which constitute a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin;

3. To appraise Federal laws and policies with respect to the equal protection of the laws because of race, color, religion, sex, or national origin;

4. To serve as a national clearinghouse for information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin.

Under the law, the Commission is required to submit to the President and the Congress reports which contain its findings and recommendations for corrective legislative or executive action. To enable the Commission to fulfill its duties, the Congress has empowered the Commission to hold hearings and issue subpenas for the attendance of witnesses and the production of documents. In order to produce as credible a record as possible, the Commission is authorized to take testimony under oath.

This morning the Commission held an executive session in accordance with the statute governing Commission hearings which provides for such a session, closed to the public, during which persons who may be defamed, degraded, or incriminated by testimony given at the public sessions had an opportunity to be heard.

A period has also been set aside during the course of the hearing to give time to persons who have not been subpenaed but who feel they have relevant testimony which the Commission should hear.

The executive session was the only session closed to the public. At this and all other sessions the public is cordially invited to attend as observers.

I can best explain the functions and limitations of this Commission by quoting from a decision of the United States Supreme Court early in the Commission's history:

"This Commission does not adjudicate; it does not hold trials or determine anyone's civil or criminal liability; it does not issue orders. It does not make determinations depriving anyone of life, liberty or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may be subsequently used as the basis for legal or executive action."

In carrying out its legislative mandate, the Commission has made detailed studies in the fields of administration of justice, education, employment, health services, housing, and voting. To augment its studies in these fields, it has held hearings in representative communities across the country.

We have come to Phoenix as part of the Commission's project of investigating the civil rights status of reservation and nonreservation Indians. The Commission is deeply disturbed by the fact that of any identifiable ethnic group of American citizens, the Indians have one of the highest unemployment rates, and the lowest per capita income; that their infant mortality rates are higher and their life expectancy lower than the rest of the United States population. Due in great part to the fact that they have been deprived of adequate schooling, they are generally relegated to the lowest rungs of the job ladder with almost no chance for upward mobility.

The Commission has come to Phoenix, Arizona, a city and State which are home to many Indian tribes, to ascertain the nature and extent of these problems and, hopefully, to arrive at a means of rectifying them.

I would like to emphasize that a Commission hearing is not an attempt to embarrass any one State, city, or individual, but is an exploration of circumstances that are representative of civil rights problems. The Commission's history shows that it has always been scrupulously honest and fair in its presentations even though the subject matter may be intrinsically emotional. The same objectivity will prevail at this hearing.

Federal law protects all witnesses subpenaed to appear before the Commission.

At this point, I should like to explain that Commission procedures require the presence of Federal marshals at its hearings to insure an atmosphere of dignity and decorum in which the proceedings can be held.

At this hearing we will hear from representatives of the local, State, and Federal Governments, tribal governments, members of the private sector, and individual citizens. We shall examine each phase of the socioeconomic structure as it affects American Indians, recognizing that this ethnic group represents diverse histories, cultures, and social institutions. We shall also give careful consideration to the question of Indian control of Indian institutions and of programs serving Indian communities.

This public session will break for lunch between 12:00 and 1:30 p.m. Today's session will recess at or about 9:40 p.m. this evening.

Tomorrow's session will begin at 9:00 a.m., with a lunch recess from 12:30 to 1:30 p.m. The time between 5:30 and 7:30 p.m. tomorrow has been set aside for unscheduled testimony. The hearing will conclude at 7:30 o'clock Saturday evening.

And now I shall ask Commissioner Ruiz to read the rules of the hearing.

Commissioner Ruiz.

COMMISSIONER RUIZ. Thank you.

Ladies and gentlemen, as the chairman said, the hearing has been divided into two parts. First, there was the executive session which was held earlier this morning. At the executive or closed session, individuals were invited to appear, if they so desired, and to state in private their objections to the public presentation of any testimony which they believed might be damaging to them. We are now beginning the public session which will continue through Saturday evening.

The public session or hearing which begins now is somewhat different. The public and the press are now, of course, invited and urged to attend these open sessions.

At the outset, I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing, if you have any such questions.

All persons who are scheduled to appear who live or work in Arizona have been subpenaed by the Commission.

All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript on payment of costs. In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the transcript of the hearing with relation to his testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses that you will hear are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He also may make objections on the record and argue briefly the basis for any such objections.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person, that person or his counsel may submit written questions which in the discretion of the Commission may be put to the witness.

Persons subpenaed to the public session may require that witnesses be subpenaed on their behalf. All requests for subpenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought.

In addition, all witnesses have the right to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules. Any person who has not been subpenaed may be permitted in the discretion of the Commission to submit a written statement at this public hearing. Such statement will be reviewed by the members of the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provisions of Title 18, U.S. Code, section 1505, which make it a crime to threaten, intimidate, or injure witnesses on account of their attendance at these Government proceedings.

Copies of the rules which govern this hearing may be secured during any recess from any member of the Commission's staff. Persons who have been subpenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner, and that is our intention. In many cases the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of calm and objectivity.

We hope that such an atmosphere will prevail throughout this meeting.

COMMISSIONER FREEMAN. Thank you, Commissioner Ruiz.

We have invited the Mayor of Phoenix, the Honorable John Driggs, to appear before this hearing, and if he is here we would like to ask him to come forward. Will you remain standing?

(Whereupon, Hon. John Driggs, Mayor of Phoenix, was sworn by Commissioner Freeman.)

STATEMENT OF HONORABLE JOHN DRIGGS, MAYOR, PHOENIX, ARIZONA

COMMISSIONER FREEMAN. You may be seated. Do you have a statement you wish to give?

MAYOR DRIGGS. Yes. Commissioners, Honored Guests, Ladies and Gentlemen: It is my privilege as Mayor of the city of Phoenix to welcome this hearing in our city. We feel that it is most important that the U.S. Commission on Civil Rights has elected to hold such a hearing in our city.

Phoenix is the capital of a State that has the largest Indian population of any State in the Union, and we have noted that Indians are moving into the urban areas of our State in increasing numbers. We have every hope and belief that these hearings will be very productive and that they will invoke greater participation from the citizens of this State and, indeed, the whole Southwest.

We hope that these hearings will lead to increased justice, expanded understanding and improved living standards for the American Indian, who really is the original American.

We express the hope that the hearings will provide oppor-

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tunities for Indians to be included in all areas of the society. We feel that Indians do want to participate. We have had their expressions in our city council meetings, their desire to have increased involvement in local government, and we are attempting to involve them in our boards and commissions so that they may feel the spirit of citizen participation in local government.

We feel that there is such a rich cultural heritage here and such a great desire on the part of the Indians from every evidence I have had, from every expression I have observed, that there is a tremendous desire, and I feel that these hearings will take a great step forward in expanding significantly the horizons of opportunity for the Indians in our society.

Thank you very much.

COMMISSIONER FREEMAN. Thank you, sir. You may be excused.

One of the very valuable resources of the Civil Rights Commission is the State Advisory Committee in each State. We would like to invite now the Chairman of the Arizona Advisory Committee, Mr. Jose M. Burruel, to be the next witness.

Mr. Burruel, will you remain standing, please?

(Whereupon, Mr. Jose M. Burruel was sworn by Commissioner Freeman.)

STATEMENT OF MR. JOSE M. BURRUEL, CHAIRMAN, ARIZONA STATE ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS

COMMISSIONER FREEMAN. You may be seated.

MR. BURRUEL. As chairman of the Arizona State Committee to the U.S. Commission on Civil Rights, it is a pleasure to welcome Commissioners Freeman and Ruiz to the State of Arizona.

It is with both sadness and joy that I extend this welcome to you: with sadness because of the conditions affecting our Indian brothers and sisters which makes this hearing necessary; with joy because of the hope which this hearing gives that those problems shall not be tolerated in this State and in this Nation.

This hearing shall examine several issues of immediate concern to Indians residing in Arizona—education, employment, health care services, and the administration of justice. Indian citizens do not enjoy their full and equal measure of these rights.

Infant mortality rates among Indians are higher than for any other racial or ethnic group. Indian life expectancy is 6 years below the national average of 70 years. The inadequate or poor quality of health care services available to Indian communities contributes to these and other health problems.

Indian children can often expect to attend schools which do not prepare them for the technological world we live in. Indian schools have low achievement and high dropout rates. Bilingual education programs are frequently unavailable to Indian children who may enter school with little knowledge of the English language. Indian parents often do not control the Bureau of Indian Affairs' schools which their children attend.

The employment picture for Indians is dismal. For all too many people employment simply does not exist. Others are relegated to low-paying, low-opportunity positions. Few employers throughout the State, including State and Federal Governments, have strong, effective, affirmative action programs. Consequently, very few Indians are found in professional and decision-making positions. Similarly, normal promotion patterns do not exist for many Indians.

Many Indians in the State of Arizona do not believe that Indians receive equal and fair treatment in the administration of justice. Indians, it is felt, are charged excessively high bail, receive inadequate legal assistance, and receive harsher sentences than other community residents. Concern is also expressed that trial juries are selected from lists which do not reflect Indian population figures. Moreover, jurisdictional disputes between Indian, State, and Federal justice systems generally work to the disadvantage of Indians. The end result of such denials is that Indians do not feel that they get a fair shake in the administration of justice.

A double standard of justice cannot be tolerated in a society having democratic principles. Your decision to examine these problems now is very important. Solutions to these problems are greatly needed. We expect that this hearing will lead us to those solutions.

The rights of native Americans have been abused far too long. While we cannot replace what has been destroyed or lost we can move now to protect the rights of Indians.

It is to this task which the Arizona State Committee welcomes you.

Thank you.

COMMISSIONER FREEMAN. Thank you, Mr. Burruel.

We would now like to call Mr. Vincent Little, the Superintendent of the Phoenix Indian School. He will welcome us. I would like to say, Mr. Little, on behalf of the Commission, that we are deeply grateful for the use of these facilities. Will you stand and be sworn?

(Whereupon, Mr. Vincent Little was sworn by Commissioner Freeman.)

STATEMENT OF MR. VINCENT LITTLE, SUPERINTENDENT, PHOENIX INDIAN SCHOOL

MR. LITTLE. Members of the Commission; Honorable John Driggs, Mayor of Phoenix; Tribal Leaders, parents and guests:

On behalf of the students, the staff, and the All Indian Intertribal School Board, it gives me a great pleasure to welcome you and the United States Commission on Civil Rights to the campus of the Phoenix Indian High School.

The Phoenix Indian High School is one of the off-reservation boarding schools operated by the Bureau of Indian Affairs which serves students from the Southwestern part of the United States.

The school has been in existence since 1891 and presently has an enrollment of approximately 600 students in grades 7 through 12 who represent 19 separate tribal groups, primarily from Arizona, California, Utah, and Nevada.

The school is an accredited high school under the North Central Association and offers a comprehensive program to our students.

I might add that for the past 3 years the Phoenix Indian High School has operated under the guidance and direction of the Phoenix Intertribal School Board which represents the major tribes being served.

We hope that our session will be successful and productive and will be of great benefit to the Indian people of our country.

Thank you.

COMMISSIONER FREEMAN. Thank you, Mr. Little.

The next group of witnesses are designated as overview witnesses.

We would like to call Mr. Donald R. Antone, Sr., President of the Intertribal Council of Arizona.

Will you remain standing, sir?

(Whereupon, Mr. Donald R. Antone, Sr., was sworn by Commissioner Freeman.)

STATEMENT OF MR. DONALD R. ANTONE, SR., PRESIDENT, INTERTRIBAL COUNCIL OF ARIZONA

MR. ANTONE. Members of the Commission, Honorable Mayor Driggs, Fellow Tribal Leaders, Ladies and Gentlemen: As I understand the purpose of this meeting, it is "to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin. . ." Specifically, these meetings address themselves to the problem of American Indians in the States of New Mexico and Arizona.

Speaking for myself and, I am sure, all of those represented on the Intertribal Council of Arizona, these efforts in our behalf are very much appreciated. In saying this, let emphasize an important point:

The Intertribal Council is an organization of elected officials of 16 organized, reservation-dwelling Indian tribes. The people we represent have many problems, some of our own generation and some thrust upon us by the community around us. Today we are pleased to talk with you a little about these problems and their possible solutions.

Additionally, we recognize that there are many city-dwelling Indians in Arizona whom we do not represent. Many of their problems are similar to ours and many are not the same. We are sympathetic to their needs. We hope that we can be helpful to them in solving their problems. But we do not pretend to represent them. We don't understand their problems as well as they do, and they have very able spokesman who can speak in their behalf.

I think it is very important that this distinction be made clearly in your minds—that is, the distinction between the urban and the reservation-dwelling Indians of this area.

I believe that one of the very important factors contributing to the problems of last week in the Bureau of Indian Affairs office in Washington is a lack of realization on many people's part that there is a real difference between the needs and desires of these two groups of American Indians, though there is a real question in my mind as to whether or not those people in Washington really represented anyone but themselves.

When any of us choose to leave the reservation and enter the mainstream of American life, we must realize that we are trading some of the advantages of the living on the reservation with our tribal people for the advantages of life off the reservation. This is a choice we have which many of you don't enjoy.

Now, having made this separation, let me address myself to the relations between Arizona's reservation Indians and the non-Indian communities of the State.

Going back a few years, about 6 to be exact, because of the U.S. Supreme Court's famous "one man, one vote" ruling, the nature of the Arizona Legislature changed. From that time on, the legislature has had an urban, Republican majority. The new legislature began looking at things differently than previous lawmaking bodies had done. And, one of the things, they took a new look at the status of Arizona's reservation Indians and their lands.

In 1968, for example, we had the first attempt to place a State tax on Indian lands through the use of a leasehold, or possessory interest, tax. Fortunately, several attempts since that time have also been unsuccessful.

Last year there were 10 or a dozen bills in the Arizona Legislature, most of which would have adversely affected reservation Indians in the State. In each case, on a panic basis, we have mustered our forces against these bills, and, fortunately, only one that was harmful passed in this session.

As Indian leaders, we began to realize that there was and is a great lack of understanding between the Indian and the non-Indian communities of the State. As a result, on many occasions, we find ourselves working at odds with the legislators of Arizona and with some of the administrative heads of State agencies and on rare occasions with news media people, though I must say that, in my experience, problems with the media have been extremely rare.

Let me tell one story which may point up the nature of our general problems in Arizona. Nearly a year ago, the Papago Tribe was attempting to come to a settlement with American Smelting and Refining Company concerning the mining of copper ore on the Papago Reservation. The tribe and ASARCO, the mining company, had come to an agreement between themselves in the situation, and all that needed doing was to have the Federal court ratify the arrangements.

The Papago did have some trouble, however. A group of so-called "do-gooders" in the community, led principally by some university people, felt that the agreement between the Papago tribal leaders, the U.S. Government, and the private consultants to the tribe had worked out was not in the best interests of the Papago people. These "do-gooders" therefore mounted a program to try to keep the courts from approving the agreement.

In some cases this attitude in the community, held by some private citizens, that they know better what is good for the Indians than the Indians themselves do, is very harmful. This is an attitude that many Federal agency people had years ago but which we have been able to overcome to a large extent in recent years.

I hope that people in the community who wish to help us will consult with us first and then do these things which we decide are in our best interests. We may be wrong in some matters, but, "Mother, we would rather do it ourselves."

Now back to my story. One of these university "do-gooders" was giving a presentation here in Phoenix on this Papago-ASARCO settlement situation. At the end of his presentation he called for questions and comments. One of the members of the audience responded: "I have seen the poor living conditions on that part of the Papago Reservation. Don't these people need the income from these mines to improve their standard of living?"

In reply to this another member of the audience is reported to have said, "Yes, but it takes so little to please them!"

Frankly, this type of paternalism, which is the attitude of some few members of our community, is appreciated for its good intentions but not for its results on our Indian way of life. We are educated, adult, and in some cases mature members of society, and we feel capable of making the decisions that are meaningful to us. We hope that we can sell this concept to the community at large.

Now, for the past few minutes I have addressed myself to some of the major problems of Indians in the Arizona community. There are others, of course, of a specific nature—education, welfare, taxation, industrial development, employment, roads, transportation, law and order, agriculture, health, housing, legislation, alcohol and drugs, to name a few. What can be done about these things? What should be done? And, most importantly, what are we doing about them?

We have based all of our actions on the premise that the best solution to man's problems with man is through mutual understanding. Therefore, as elected leaders of the Indian community in Arizona, we have initiated contacts with those State and community leaders with whom we wish to improve our understanding. We have gone to the Legislature, the Governor, the heads of Arizona State agencies, and to the news media with our part of the story.

September 21st of this year, we held the first regular meeting with these people. More than 150 of us met to discuss problems of mutual interest. At this time, we established four committees, each made up with representatives from the reservations and from the State Legislature, the State Administration, the Federal agencies, and the tribal leaders themselves.

These committees have addressed themselves to what we consider the four areas of most critical need—education, welfare, industrial and tourism development and taxation and services to Indians by the State of Arizona. Since that time, these committees or subcommittees of these groups have met to further discuss the problems and to gather information on the subjects involved.

Frankly, we feel that we have been able to open up new avenues of communications with these people and that progress so far would indicate that there is real reason to hope that progress can be made on this level. We certainly hope so. We are dealing with these people in good faith and believe that they are responding in like manner.

Six months or a year from now we will be able to give you a better idea of how this program is working out. We hope that this type of activity will work and that we can avoid lawsuits and Federal intervention.

In an associated but somewhat different area, we have initiated an Indian public relations program. This program is designed to let the communities of Arizona know what we are thinking and what we are doing. While our funds for financing these programs have been extremely limited, the results to date have been very promising.

Frankly, this is our largest need—that is, the need for funds to finance the programs that we have going for us. If someone wants to help us, assisting us with the financing of the programs we are now starting, it will be greatly appreciated.

This is the extent of my statement, and I thank you for the opportunity of being able to speak with you.

COMMISSIONER FREEMAN. Thank you very much, Mr. Antone.

I would like to call the next witness who is Miss Veronica Lee Murdock, the Vice Chairperson, Colorado River Tribal Council and Secretary-Treasurer, Intertribal Council of Arizona.

She will be accompanied by Mr. Antone Gonzales, who is Chairman of the Colorado River Tribe.

Will you stand, please?

(Whereupon, Ms. Veronica Lee Murdock and Mr. Antone Gonzales were sworn by Commissioner Freeman.)

STATEMENT OF MS. VERONICA LEE MURDOCK, VICE CHAIRMAN, COLORADO RIVER TRIBAL COUNCIL AND SECRETARY-TREASURER, INTERTRIBAL COUNCIL OF ARIZONA, AND MR. ANTONE GONZALES, CHAIRMAN, COLORADO RIVER TRIBES

COMMISSIONER FREEMAN. Thank you. You may be seated.

MS. MURDOCK. We would like to thank you very much for being invited here today to speak with you and to the people and guests you invited to attend the civil rights hearings also. My name is Veronica Murdock, and I am a Mojave member of the Colorado River Indian Tribes located in Parker, Arizona. Mr. Gonzales is the Chairman of the Colorado River Indian Tribes, and we appreciate very much your interest and hope that your interest will be a continuing one in Indian problems.

I think the tribes are presently making strides, even though many pitfalls are put before them, and it is hoped that you will be able to help cover some of these pitholes and clear the path so that the Indians can become self-sufficient on their various reservations.

I know that you have stressed the areas that you would like input on as health, employment, administering of justice, and education issues. At this time we really don't know who you have as witnesses—I don't think it was probably necessary to tell us—but we feel that there are important areas that you need to be made aware of, and we hope that you do have the people here that will cover them.

But we would like to give you a general overview of what we feel in these areas are problems not only relative to our tribe but that we feel the other tribes share.

In one of the areas, employment, we're having major problems now on our home reservation. We feel that the BIA has been negligent in implementing its own inhouse merit promotion programs.

We have people who have worked on our reservations for years and years. One gentleman that I have in mind has worked for 17 years within a certain department. He has never received any training of any kind. When promotions did come up, it was taken upon his supervisors—because they felt he was a troublemaker and otherwise because he stood up for safety programs and other things within that department—to see that he did not get these promotions. He was either not advised of the job openings or the supervisor took it upon himself to write in qualifications which he could not meet.

I think if you are not aware of some of the reservation problems we have, many of the employees that are hired on our reservation and other reservations are of a temporary nature. This allows supervisors and other people in charge of them to set up their own little dynasties and kingdoms where if these people feel they are not treated fairly, if they are held back—And I think in some cases there's been physical violence and threats. And yet these people will not come up and say anything because they are temporary employees and the livelihood of their families, of themselves, depends very much on these jobs.

Therefore, you do not get people coming out and saying what is happening to them.

As far as I know, several people on the reservation have worked for 8 years as a temporary employee. But some of them just work from year to year, and they are not put back on because of conflicts with the supervisor, and so this is one—

COMMISSIONER FREEMAN. Are these BIA employees you're talking about?

MS. MURDOCK. Yes.

COMMISSIONER FREEMAN. Bureau of Indian Affairs?

MS. MURDOCK. Yes. And I think with these promotional opportunity bulletins that are put out, the process is sometimes a farce. Because local supervisors are allowed to interject certain job qualifications which automatically exclude people that they don't want to work or they don't want in a supervisory capacity.

We have had people, our own people, who have trained the ones that the Bureau brings in. They train them. They do their job. And they say, "You know, maybe we're stupid, but, you know, we try to help them out when they bring in a stranger from the outside. We have to end up teaching him the job."

So I think that at the local agencies they have the equal employment opportunity counselors set up there, but really they don't know what their job is. I think that they were established over a year ago, and just this past month I think they received their guidelines and what they were supposed to be accomplishing.

So to me it's kind of—They set these things up but they are just token programs, and they don't really accomplish what they should when they themselves don't even know what their jobs are.

So I think certain investigations should be set up possibly not within the Bureau but someone from the outside coming in and taking a look at these jobs periodically to evaluate the job, and not only the job but the individual in that job, because I know that there are people who don't receive the pay who are doing certain jobs of their supervisors.

And if we can get rid of some of these supervisors who are holding back some of our Indian people, I think we'd be a lot better off.

I have two examples, and I don't know whether I should mention names or not, but there are two—

COMMISSIONER FREEMAN. Do not mention the names.

MS. MURDOCK. Okay. There are two outstanding examples of what I mean. There was one gentleman who has been employed by the Bureau for 29 years. He's presently a GS–8. He has never had training except for a very, very minor 2-week training. And he has put in for promotions, and he has been constantly striving to get ahead, but for 29 years he is a GS–8. That's what some people go in as today.

There's another example of a gentleman who worked for 20 years. He is a GS–9. He has worked 15 years as administrative manager. These are local Indians. I'm talking about Arizona Indians in the Arizona Bureau system. And he has passed his GS–11 Civil Service exam and he's requested numerous transfers which have never been accepted.

So, you know, I really think that the training potential of these employees should be investigated to make sure that the people that do, and want to, move ahead. They're usually stymied, and it's not for individual reasons. It's because of the system.

In education we feel that the Johnson-O'Malley funds are being used not for Indian students but for just the general budget program needs, and we feel that there is need for better monitoring of JOM monies.

I think that in our local area, which I have to talk about, there are no Indians on the school board, and I think this year was the first time that an Indian ran for the school board and, unfortunately, lost. But the school board has closed meetings in northern Yuma County, which we do not feel is right. And they act like the information is top secret. They feel that it shouldn't get out.

I know that there have been some people—and these are not necessarily Indians—who have taken an interest but they are shut out of the meetings. And they gave up telling when the meetings were being held because they didn't want people to attend them.

And I think communication between the school boards and the people of the community is very important. And this just is not getting out to the people at all. I think you'd have more people interested in running for school boards and more Indians if this information would get out.

I think that all the statistics point out that the educational system of the Indians is very poor and needs some investigation. And I think we need a better screening of teachers who will be working directly with Indians in Indian schools, and in other schools where Indians are in attendance. And I think that some professional help needs to be given to some of the Indian students, also.

My chairman is going to cover administering of justice and some of the problems that our tribe has—and we know other tribes have—with Public Law 280 and other cases.

Mr. Chairman.

MR. GONZALES. Thank you, Veronica. As you know, part of our reservation is in California, across from Arizona, and that we are administered under Public Law 280. We are having problems on the California side because of this Public Law 280, and this is in law enforcement. Our Indian police have no jurisdiction on the California side, and this makes it a problem where we have influx of people from the southern part of California coming in on holiday weekends, and that we do not have the power to have these people arrested when they are doing wrong.

But yet I feel that we should do something about it because of the fact that my people are getting harassed and so forth by the non-enforcement of the California police. It's Riverside County and San Bernardino County. Problems arise from marijuana smoking, dope addicts coming in there, and so forth. We feel that there should be something done about the Public Law 280 where we can get enforcement of Public Law 280, particularly on our reservation.

In another instance, we have trailer courts and so forth, that get harassed by not conforming to the California building codes, and so forth; non-Indians living side by side having the same kind of business, they don't bother them, but they are really bothering us and really harassing us into conforming with this code.

And we feel this is kind of an injustice, too, if the non-Indian is not getting the same treatment.

I would like to change the subject and go back to the employment Mrs. Murdock was talking about. I would like to point out a few of the things that she maybe forgot.

You know, when there's job openings or there's a chance for an advancement, the job descriptions are rewritten and our people don't have a chance to get on these good jobs. The job description is rewritten just so that they can get somebody they actually want in there even though they are not qualified to do so.

And we are having this problem right now with our power system. We have two gentlemen in there who are not cooperating with the Indian employees. We have asked the superintendent to do something about this 3 or 4 months ago, although it's been going on for 4 or 5 years, but nobody does anything about it. They change superintendents, the new superintendent we have now has been reluctant to do anything about it, and yet we are losing money by the low morale of Indian people working on this power program that we have with the Bureau. And we feel that there is discrimination towards Indian employees with the Bureau.

Thank you.

Ms. Murdock. You know, I think that one of the major excuses that the Indians receive when they do put in complaints about employees that they feel are not working towards the best interests of the tribe is that they're on civil service status and it's very hard to get rid of them. But I just can't see where anyone that is not wanted by the tribes—Some of those people, you know, I even hate to see them transferred to other Indian reservations, because I really wouldn't wish the kind of people that we are trying to get rid of keeping Bureau employees—I wouldn't wish them on my worst enemy.

So I really feel that perhaps this possibly needs to be looked into because I think the biggest excuse is: "We can't ship them out, you know." It seems to me they have more power than the people who are supposedly in power.

And I guess if they wait for another job opening on another reservation or somewhere, well, I feel sorry for the other reservation. But we are attempting to get rid of some of the employees that are just, we feel, very detrimental to the interests of the tribe.

I think in the health field we have major problems on our reservation. We received what we thought was a lack of funding. And another one of the favorite excuses, I think, of people is they can blame it on the higher echelon. And to me this is them not performing their duties on the local levels or at the area levels for the Indian people on the reservations.

And I think that if you could come out and inspect or investigate some of the conditions of the hospitals on the reservations, you would see exactly what we mean.

Like the structure in which our hospital is. I don't know really what to call it. It was built in 1940 and it is still standing. And there has been one major addition.

But I think one of the major problems, too, that all reservations have is that doctors change every 2 years and that many times we have come across excellent doctors and I think many, many times that they probably would perform a better job, but they are constantly having to do all this paper work and fill out all these forms. And the Indians are constantly being surveyed. So they are stymied, in a way, in doing their job.

And then, of course, with the lack of funding there is poor service. There is very little followup and just general lack of reaction to many of the complaints in their employment department.

Oftentimes, the advertisements of the jobs are not sufficient to allow the Indian people to apply for the jobs.

In the area of welfare we have a number of problems. The fact that in our area served by the county they come out once a month—I think once a month—and on a certain day—and they don't have any permanent office setup. They come in and they utilize the tribal building. But we have all the people coming in on this one certain day. And there's very little followup—people not contacting them enough. I think these are people that genuinely need help, and in a way they are neglected.

Another area which is giving our people a lot of problems is that lease income is prorated. Therefore, it cuts down on their welfare payments, and this really does create a hardship for some of the families, because, if you can understand the whole thing, many of them are paying for their homes and other major expenditures out of those lease monies, and yet that money is prorated; so an individual is given $17 from the welfare department, which doesn't even begin to cover what his needs are.

I think that we are having the same problems with the food stamp program. Yuma County promised to bring out people who knew how to fill out these enormous forms. I don't know whether you have ever seen them, but they are quite lengthy. And some of the information is very personal. I think that it's hard for anybody to relate this kind of information to a stranger or someone that you don't even know. There is a reluctance on the part of our people to say, "We don't want to fill out those tremendous forms," you know. And really, I can't see why the filling out of all the forms—I don't see why you have to know some of the background information, how many times they have been married, you know—Why does that kind of information have to be given in order for you to get food stamps and to get some food in your stomach?

So I think that some of these things need to be looked into, too.

As far as the State program, they cannot—The county program cannot provide the services that it should to the Indian reservations when they have no office setup or anything like this on the reservations.

I think Don Antone covered some of the problems that we are having with taxation.

I think our capacity for living on our respective reservations is being threatened by the State and other forces with their wanting to come in and tax the reservations. Yet it seems like we are constantly having to prove that we are citizens of this State and of this nation, and I don't see why we should have to, because those things go along with living and were provided for in the Arizona Constitution and rules. I guess we have millions and millions of rules and regulations that apply to the Indians, and this sometimes stymies the Indian movement, because when we are constantly being surveyed, constantly being checked on regulations, this type of thing, it's sometimes—If someone really wanted to give us a hard time it would be impossible to move.

It just seems like when you're an Indian there is a second set of laws or a second set of standards set up for you. And I really feel that it's important that you come out and take a look at not only these but other areas.

And I'll repeat that we appreciate very much your interest, and we hope that it will be a continuing one.

Mr. Gonzales. I would like to make a few comments on the Public Indian Health Service. We find it's inadequately funded. And just about 2 or 3 weeks ago we got notice from the administrative officer down at the Parker Indian Hospital that it may close its doors before the year was out and that they were running out of operating funds. Part of my Council came up here and had a meeting with the Public Health Service, and they said that they were going to go ahead and operate on getting some more funds, but our Indian people go to the hospitals there and some of them are pretty sick, and they sit there for hours waiting for the doctor to show up to see what is wrong with them. And when they do diagnose what it is, they give them a little bag of aspirins and send them home, you know, and this is it. In some cases the Indian people are real sick and need attention. Yet they turn them and tell them to go back and they will be all right, that it's a mild cold or something like that. I feel this is not right, you know.

I have seen—I have visited the hospital a couple times and found a couple of my people sick and I felt that they should have had better services than that. I brought this to the attention of the doctor on duty, and he says, "I can't do anything about it. We will just have to see what happens."

I said, "If you can't do anything, why don't you fly her or him to Phoenix and maybe they can help her in Phoenix? And, well, in this one case, she got flown in and died 2 days later.

I felt that if somebody was qualified to make the decision to get some doctoring done that—I don't think we would have this.

We have young doctors coming in there for 2 years. I call them "90-day wonders," you know. I was in the Navy, and I used to call "90-day wonders" officers that came in in 90 days and out again. But, anyway, I call them 90-day wonders. And we're not getting the service that we should be getting from the Public Health Service.

We have had our hospital condemned by a survey team from Washington. We put in for a new hospital and for some new doctors, and they had a survey team come over and say that the hospital is inadequate and doesn't have the facilities or operating facilities and so forth. So we had these comments. That was taken back to Washington, and nothing's been done about it, and we are still waiting. But we have been crying for a resident doctor that my people would have confidence in, and there would be more service provided to them through the Public Health Service.

And that's about it.

COMMISSIONER FREEMAN. Thank you very much. You may be excused.

I would like at this time to introduce two young women who are serving as consultants during this hearing. The other persons who are members of the staff and who are serving in various capacities have been identified and introduced. However, we failed to introduce the others, and I would like to do this now.

We have serving as consultants to this hearing Miss Abby Abinanti, who is a member of the Yurok tribe of Northern California, a third-year student at the University of New Mexico, and Miss Vicky Santana, a member of the Blackfeet tribe of Browning, Montana, who is also a third-year student at the University of New Mexico. Law students, I'm sorry. I want to make it very clear they are law students at the University of New Mexico.

You may just stand so they will know who you are.

And now we will be going into more intensive study of various areas. The next subject area is health. I would like to first be sure that the next series of witnesses are present, so if you are present will you stand as I call your names just where you are so we will know you are here?

Mr. Gus Greymountain. Miss Julia Porter. Miss Rose King.

Are all three of you here? Then will you come forward, please? Will you remain standing until you are sworn?

(Whereupon, Mr. Gus Greymountain, Miss Julia Porter, and Miss Rose King were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. GUS GREYMOUNTAIN, COMMUNITY EDUCATION LEADERSHIP SPECIALIST, NATIONAL INDIAN TRAINING RESEARCH CENTER; MS. JULIA PORTER, RETIRED NURSE, INDIAN HEALTH SERVICE AND MEMBER OF PHOENIX INDIAN MEDICAL CENTER INDIAN ADVISORY BOARD; AND MS. ROSE KING, EXECUTIVE DIRECTOR, PHOENIX INDIAN CENTER

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Will you each please state your name, tribal affiliation, address, and occupation for the record beginning with the lady on my left, Miss King?

MS. KING. First of all I'd like to say welcome to the Commission. I'm Hopi-Cherokee, was born on the reservation here in Arizona, and I am the director of the Phoenix Indian Center.

MS. PORTER. Thank you for coming here. I am Julia Porter. I'm an Oklahoma Indian, have lived here in Phoenix many years. At the present time I'm not employed.

MR. GREYMOUNTAIN. My name is Gus Greymountain. I'm a Navajo from here in Arizona. I have been living— I guess you could call me an urban Indian, even though I hate that distinction— I have been living here in Phoenix for a number of years. I am presently employed by the National Indian Training Research Center in Tempe, Arizona.

MR. POWELL. In what capacity are you employed?

MR. GREYMOUNTAIN. Well, I'm working for a program that is supposed to develop community education leadership specialists. Whether or not it's doing that I'm not sure.

MR. POWELL. Mr. Greymountain, would you please describe your duties as a community education leadership specialist? What do you do?

MR. GREYMOUNTAIN. I work in Indian communities across— you know, in different States. And we go into these communities, and our function is that we at first help the community to identify their leaders, and then we help these people to develop the expertise or the ability to operate their own educational programs. Last year I was working here in Phoenix for the Ad Hoc Committee of the Community Council, the Phoenix Urban Indian Project, at which time we did a report for that Ad Hoc Committee. It's this report that I'm going to speak on now.

MR. POWELL. On the basis of that study, would you please describe the status and condition of the Phoenix Indian community?

MR. GREYMOUNTAIN. Well, the status? What do you mean?

MR. POWELL. The problems, the—

MR. GREYMOUNTAIN. Oh, there are many problems I guess, but I guess the two outstanding ones, the ones I am going to speak on now, or address myself to, are those of alcoholism, the high arrest rate—the number of Indians arrested, and the failure or inability of the city to cope with this problem—and the other is that of employment.

In this report I point out that yearly, or annually, there are approximately 7,000-plus Indians arrested for alcohol-related offenses. Now, this is approximately 25 percent of all arrests— liquor— I mean alcohol-related offenses. Twenty-five percent of all of those arrests in this city are of Indian people, and we don't make up that much of the city's population.

MR. POWELL. Would you tell us what is the population? What are the statistics?

MR. GREYMOUNTAIN. No one knows for sure. It could be anywhere from 7,000 to 12,000, but I think more or less an accurate figure would be 11,000 right now.

MR. POWELL. What is the name of the report you are discussing?

MR. GREYMOUNTAIN. It's just the Phoenix Urban Indian Project.

MR. POWELL. We have been given a copy of that report, have we not?

MR. GREYMOUNTAIN. Yes, you have.

MR. POWELL. Madam Chairman, I ask that report be made part of the record.

COMMISSIONER FREEMAN. It will be received.

(Whereupon, the document referred to was marked as Exhibit No. 3 and received in evidence.)

MR. POWELL. Continue.

MR. GREYMOUNTAIN. Well, in this report I also— Well, I'll stay on the alcoholism thing for now. Twenty-five percent of all the alcohol-related offenses, of all the people arrested for those alcohol-related offenses, 25 percent of them, are Indian. We don't make up 25 percent of this city's population. Now, 50 percent of all women arrested for alcohol-related offenses are Indian. And 25 percent of all the men arrested for alcohol-related offenses are Indian men.

Now, I have been to the city, I have talked with the city government on this, and they come up with the same— They have the same out, their way out.

MR. POWELL. Why do you suppose those figures are so different for Indians as opposed to other citizens of Phoenix?

MR. GREYMOUNTAIN. Well, there's a number of reasons. I guess one of them is that the Indian person when— He's not familiar with the court system. There isn't anyone there within the city jail to work with him. And also the other is the city saves a lot of money on the compound.

The compound is a correctional facility out here on the outside of town by the freeway. They save a lot of money running that facility because they have a lot of institutionalized Indians that are frequently arrested. They sentence these guys for 60 days at a time, and they send them out there and they are cooks and guys that run the farm out there or they are barbers. A lot of the "trusties" that work at the city are Indian men. In fact, most of them are.

MR. POWELL. Is it your view that city police arrest Indians under circumstances in which they would not arrest Anglo citizens?

MR. GREYMOUNTAIN. Yes, I'd say that, and I know it for a fact. It would be kind of hard for me to prove it, but I know it. And it's just a subtle form of racism. That's the way they express it. They don't have any signs up saying "No Indians Allowed," but they get back at Indians in other ways.

The other thing is I talked to them. I said, "Why don't you establish an office within the city government, an Indian desk, have a direct liaison, a contact with the urban Indian community?"

And they said, "Well, we can't do that because of one thing, because if we did that we'd have to do the same for the Chicanos. We'd have to do the same thing for the blacks. We can't organize a special desk for you, a special office for you, because that would set the blacks off."

Well, I want to ask the city what do they think the OIC is? And what do they think the LEAP organization is? They're both dominated by the blacks and the Chicanos. I'd like to ask Mayor Driggs or whoever his representatives are what they could do for us in that area, you know.

The other thing is I also looked into the employment. The report, I'm sure that you have it now. The State employment office doesn't have anyone to work directly with Indians. At least they didn't at the time I did the report, and I'm pretty sure they still don't have anyone.

The Phoenix Indian Center has a job bank tape that they play, and I don't know how effective that has been. They do manage to place some people in jobs though.

City government in Phoenix in 1970–71 employed 51 American Indians out of a total of 5,413 employees, and this is approximately 9 percent. The majority of these workers were operatives, semi-skilled. There were no Indians in administrative or professional positions. Of the 51 Indians employed by the city, 32 of those worked in water and sewers. Now, this to me, you know, hints very strongly at institutional racism.

To cite a few departments where there are no Indians employed: the city court, the fire department, human relations, city manager's personnel, planning, public housing. The police department, I think, has a couple of Indians on now. The last time I talked with them they said they had a couple, and maybe one going through school.

Because of the high number of Indians going through courts and then to jail, I feel that they should have some people working at the jail, because there are a lot of Indians that get beat up there. I mean they're not here. They probably won't come forward and testify, but I have talked to some of these people, and they say that they get beat up, they get roughed around in the drunk tank, say, and then when they go to court there's nobody to advocate for them there. They don't understand the process, so when they get up, they're asked, "Guilty or not guilty?" and they say, "Guilty," and then they are sentenced to jail. They don't know that sometimes they can be eligible for bail on their own recognizance.

MR. POWELL. Miss King, would you describe for us the purposes of the Phoenix Indian Center?

MS. KING. Yes. The Phoenix Indian Center is funded through OEO. We also receive funds from the United Way and private donations. And we are the instrument in the city of Phoenix that helps the Indian make the transition from the reservation way of life to the urban way of life. We have to assist the Indian in orientating to the community at large. When he is on the reservation he goes to the BIA school or mission schools. When he comes to the city we have certain school districts and areas that are set about by demographic forces. He also has to learn where to go to shop. For the first time, sometimes, he has to learn to pay the utility bill, where to go, where to make the deposit.

In this transition we try to find housing for the Indian. We try to find adequate employment. We try to counsel him. We do have a job bank monitor that is owned by the Arizona State Employment Service. We also do youth counseling. We have a program for senior citizens. We are the social agency, you might say, for the Indians who are coming into the urban area.

MR. POWELL. Indians coming from reservations often have what might be described as cultural problems adjusting to the urban life? Is that correct?

MS. KING. Yes, sir. And all this comes under the word "transition."

MR. POWELL. Mr. Greymountain, I take it that one of the major points in the area of health was that when these Indians are arrested for drunkenness there's no facilities at the jails nor is there any program designed to take care of that on that occasion? Is that correct?

MR. GREYMOUNTAIN. Yes, that's correct. I see this as the responsibility of the city. It should be up to them to develop a comprehensive alcoholism program or some kind of facility, detoxification facility, and they haven't done that. And this, to me, is— They're ignoring us, and they have constantly done this to us.

MR. POWELL. Miss King mentioned cultural problems that reservation Indians have when they come into the urban areas leaving the reservations. Would you care to comment on that, Mr. Greymountain?

MR. GREYMOUNTAIN. Cultural problems?

MR. POWELL. Yes, Problems in terms of the different culture they are entering.

MR. GREYMOUNTAIN. Well, you know, a lot of it has to do with, like, on reservations things are more relaxed. Like we don't have to punch a clock, this sort of thing. Now, Indians have a hard time getting used to that, that they have to be somewhere at a certain time. And this is the way that the predominant society operates now. Time, you know, is money, and Indian people have a difficult time relating to that or understanding that concept because it's not them. The other thing is that in this predominant society everybody is out for materialistic things, and, as Indian people, I guess we just haven't been living that way.

MR. POWELL. Miss King, Mr. Greymountain mentioned administration of justice problems. Do you have any comment in that area?

MS. KING. Yes, I do. We, too, find at the Phoenix Indian Center that Indians, because of their cultural differences, do run into problems. One is that when he's picked up and arrested, he is not always drunk. Maybe he stumbles and falls. He does not have social clubs or private bars in which to drink. So if he's found on the street staggering, many times he's picked up.

He does not always understand that he has rights as a citizen. Many times he does not even understand English. We do have people that go to the courts from the Phoenix Indian Center to try to assist and interpret. We have found in working with the person that is picked up that he does not understand what they are trying to tell him. They will ask him, "Do you know that you were picked up for public intoxication?" They don't know what that means. If someone would say, "We picked you up because you're drunk," or, "You're a vagrant because there's no money in your pockets," then he would understand.

MR. POWELL. I see.

Miss King, we understand that you are a retired nurse with the IHS and that you are on one of the Indian advisory boards and are familiar with some of the kinds of problems that Indians have at the Indian Health Service. Would you give us a brief account of that? That's going to be my last question.

MS. KING. Correction. I don't want to interrupt, but this is Julia Porter.

MR. POWELL. Miss Porter. I beg your pardon.

MS. PORTER. Would you rephrase your question?

MR. POWELL. I understand that you are a retired nurse and that you either are now or have been on an Indian health advisory board and are familiar with some of the problems that Indians have. Would you care to give us a brief account of that?

Ms. Porter. Yes, sir. Now, you're talking about two kinds of Indians over there. You're talking about patients and you're talking about Indian employees. Is that correct?

Mr. Powell. Yes.

Ms. Porter. Let's start with the patients.

Mr. Powell. Are you on the Indian health advisory board?

Ms. Porter. Yes, sir, I am. I forgot to state that.

Mr. Powell. Which one is that?

Ms. Porter. The Phoenix Service Unit.

Mr. Powell. Okay. Go ahead.

Ms. Porter. The Indian patients come to the board at various times— come to us with complaints. In the hospital load, the outpatient is— oh, excuse me. Let me start from the beginning. We have a new hospital, and when we moved into the new hospital we just moved into a bigger area. And the personnel on every department— It seems to me they never have enough people working there, so when the patients come to the outpatient clinic, some of them come by appointment, some of them just drop in, and then they don't understand why they have to wait so long. These are some of the complaints that they bring to us. Some of them don't have telephones at home to call if they cannot come. And then, later on, they show up. Some of them have transportation problems—many of them have transportation problems.

Now are we going to employees of the Indian hospital?

Mr. Powell. Yes.

Ms. Porter. Now, many of the employees have problems.

Mr. Powell. Are they treated the same as other Anglo employees?

Ms. Porter. In certain ways, no, sir.

Mr. Powell. Would you care to tell us?

Ms. Porter. Some of them are being discriminated against. Someone mentioned here in some other group that they are not recognized for some of their special talents. They are held back. I know this. Most of the supervisors are all Anglos. You never see an Indian head nurse or a supervisor. You see a lot of janitors. You see a lot of the low grade employees over there. And then they have problems with their supervisors. If they don't show up they are given AWOL.

Mr. Powell. Does this happen with Anglo employees?

Ms. Porter. No, sir. If it does, I have not heard about it. The Indian usually is the one. I'll give you an example. An Indian low class employee called in the same time an Anglo nurse with a higher rating called in sick. They did not give the Indian employee sick leave but the Anglo nurse got the sick leave. I firmly believe that that wasn't right.

When it comes to us as board members, it seems to me that now our role is we are not to handle personnel problems.

Mr. Powell. But as a member of the advisory board you are to review policies and give recommendations? Is that right?

Ms. Porter. Yes, sir.

Mr. Powell. These Indian patients, do they complain about long waiting procedures, and insensitivity of staff and that kind of thing?

Ms. Porter. Yes, sir, they do.

Mr. Powell. Do they also complain about the quality of the medicine practiced in the Indian Health Center?

Ms. Porter. Sir?

Mr. Powell. They also complain about the quality of the medicine practiced in the Indian Health Center?

Ms. Porter. In some instances, yes.

Mr. Powell. What would you recommend to change these things? What would you—

Ms. Porter. Change the whole public health system.

Mr. Powell. How could that be done?

Ms. Porter. By training our Indian people, give them training so that we can have good bedside care, so we'll have good administration. We're asking for an Indian administrator now. We have had an Anglo—

Mr. Powell. You think Indian control, some control by Indians, would help?

Ms. Porter. Yes, sir. Yes, sir.

Ms. King. Could I—

Mr. Powell. Miss King, yes. What else would you like to see done with some of these problems?

Ms. King. With regard to the public health hospital through the center, some of the things that Indian people themselves have brought to us: That the Indian Health Service was given the task of setting up this health advisory board 4 or 5 years ago, and this board would be able to set up policies and have Indian input. Only until recently—I think this summer or early spring—were any bylaws even presented or used.

So this seems to be one of the problems. The Indian people on the board were not always aware how far they could go in setting policy or how far they could go in helping assist an employee. Many of the complaints that we have had at the center is that they are afraid to complain because of a relative or themselves because they would lose their job.

Mr. Powell. I see.

Mr. Greymountain, what do you think should be done to achieve Indian control over the health service and other institutions which affect the lives of Indians?

Mr. Greymountain. Well, I think that the Federal Government and in particular the Indian Health Service and Bureau of Indian Affairs should live up to the Indian preference thing.

MR. POWELL. Is there a—

MR. GREYMOUNTAIN. Start enforcing that.

MR. POWELL. Is there a need—

MR. GREYMOUNTAIN. We have qualified people now who can take over some of these positions, but the civil service protects those we can't get out until they either retire or die.

MR. POWELL. I see. Do you think the Indian community is sufficiently united to achieve some of these objectives or is there a need for further—

MR. GREYMOUNTAIN. Well, I feel if the city of Phoenix—you know, they recently got some money, this revenue sharing thing—if they could turn loose some of the money now we could find some funds to hire a community organizer or community organizers and work within the Indian community and we could solve some of our problems if we could get together. And if we had somebody from within the city that would guarantee us some money we could develop our own programs, and we'd do it ourselves. This is what we keep asking them repeatedly and they won't come through.

MR. POWELL. I have no further questions, Madam Chairman.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. What effort have you made to get some of that revenue sharing on an organized basis?

MR. GREYMOUNTAIN. Well, myself and several other people, one of them who will be testifying tomorrow, have approached the city and he'll be talking on this tomorrow afternoon. We have talked to them, with people within the city manager's office, and they have answered us— They told us they don't know how the money is going to be split up yet. They just know that they have it. This was several weeks ago. I haven't checked into it since then. But we'd like to develop this office, within the city government somewhere. Let's develop an office, an Indian desk.

COMMISSIONER RUIZ. Have you made a written proposal of any kind so it will be a matter of record? Or simply just talked to them?

MR. GREYMOUNTAIN. We have just talked to people right now. We're trying to find out the best way to approach this. We talked to people within the city government. And we see the Phoenix Indian Center as being the most logical, the most practical vehicle through which this should be carried out, because the Phoenix Indian Center is there for us. So we want to work with them and the city.

COMMISSIONER RUIZ. No further questions.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. No questions, Madam Chairman.

COMMISSIONER FREEMAN. Mr. Muskrat?

MR. JERRY MUSKRAT. No questions.

COMMISSIONER FREEMAN. Thank you very much. You may be excused.

We will have a 5-minute recess.

(Whereupon, a recess was taken.)

COMMISSIONER FREEMAN. This hearing is called to order. Will everyone be seated?

Will everyone be seated, please? The hearing is in session. Will you either find seats or continue your conversations in the corridor, please, outside of this room?

Our next witnesses are Ms. Ella Rumley, Board Chairman, American Indian Association, and Ms. Carol Parvello.

Will you come forward, please? Will you remain standing and be sworn, please?

(Whereupon, Ms. Ella Rumley and Ms. Carol Parvello were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MS. ELLA RUMLEY, BOARD CHAIRMAN, AMERICAN INDIAN ASSOCIATION, AND MS. CAROL PARVELLO, COUNSELOR, TUCSON INDIAN CENTER

COMMISSIONER FREEMAN. Mr. Powell.

MR. POWELL. Would each of you please state your name, tribal affiliation, address, and occupation for the record, beginning with the lady on my left?

MS. RUMLEY. I am Ella Rumley. I am a member of the Papago tribe. I live at 3034 Rocky Vista in Tucson. My capacity here is chairman of the Board of Directors of the Tucson Indian Center.

MS. PARVELLO. My name is Carol Parvello. I live at 542 West 27th Street, Tucson. Papago. And I'm the counselor of the Tucson Indian Center.

MR. POWELL. We understand you are both residents of South Tucson and have been active in Indian affairs for many years. Is that correct?

MS. PARVELLO. Yes.

MR. POWELL. Is that right, Ms. Rumley?

MS. RUMLEY. Yes.

MR. POWELL. Ms. Rumley, would you tell us something about the urban Indian population of South Tucson?

MS. RUMLEY. Well, I sort of question the term "urban Indian." In Tucson there were Indians living in the Tucson area long before the city was founded. The descendants of these people are still there. And they still live as village Indians. It's not their fault that reservation boundaries were established to exclude them. Their problems are different from the so-called urban Indians, the people who have migrated to cities for jobs, etc.

MR. POWELL. So with respect to South Tucson you don't think there should be a distinction drawn in terms of services or anything else between Indians on the reservation and Indians in South Tucson? Is that correct?

MS. RUMLEY. That's right.

MR. POWELL. Ms. Parvello, would you tell us something about the Indian Center?

MS. PARVELLO. The Indian Center is sort of a community place for Indians that have come from the reservation or have always lived in Tucson. We felt that there was a great need for some kind of service agency for the Indians in South Tucson. Before, they never did have any kind of place that they could go to take part in social activities or getting some kind of assistance in just living in the city, in Tucson.

MR. POWELL. Why do they need service? What kind of service do they need? What kind of problems do they have that require service?

MS. PARVELLO. Assistance and services, I would say, in trying to gain employment, assistance in legal services, trying to receive better health care, and educational assistance, receive financial aid to attend the public schools or to even go on, to high school as far as that goes.

MR. POWELL. Ms. Rumley, regarding employment opportunities, are there adequate employment opportunities for Indians in South Tucson area?

MS. RUMLEY. Well, in both South Tucson and the city of Tucson, the job opportunities are mainly for menial labor. You don't see Indians in the businesses in Tucson even as secretaries or clerk-typists, even sales persons. One of the largest government employers is Davis Mountain Airfield, and there's only two Indians, two identified Indians, in the whole place.

We have tried at various times to do some kind of studies on the attitude of people or businesses in the city to see why there are no Indians visible in banks and places like that. We have never succeeded. We have never had a real good answer. One of the answers that is usually given is that no one applied, no Indian applied. And yet we know of several cases where Indians have applied and were ignored.

For instance, in the Model Cities program, there was a need for a youth worker. Four trained para-professional behavioral consultant Indians applied for that job, and none of them were even interviewed.

MR. POWELL. You mentioned a Model Cities program. Is there a model city hospital setup and are Indians treated? Do they have an opportunity to be treated by that hospital? And if not, why not?

Ms. Rumley. There is a clinic. If not, why not? It's because there are boundaries and, you know, the people who live in the area have access to—

Mr. Powell. And Indians are not in that area?

Ms. Rumley. Most of the Indians are not in that area.

Mr. Powell. When that facility was set up, was there not adequate Indian input to see to it Indians would be treated? Is that it?

Ms. Rumley. There was none that I know of.

Mr. Powell. Regarding employment opportunities, how do opportunities for Indians compare with the other groups in South Tucson area? I take it that there are Spanish surname citizens and Anglo citizens. Do they have better opportunity for employment than the Indian citizens?

Ms. Rumley. Well, I can only use the example that many years back when the Mexican-American was also excluded from white collar jobs— Now they're in these positions and they're very visible.

Mr. Powell. Are Indians employed at all in the city government? Are there any Indians there?

Ms. Rumley. I think Carol has some statistics on that.

Mr. Powell. Ms. Parvello?

Ms. Parvello. Out of the total city employment— There's 2,487, but out of that number there are only 26 Indians working for the city.

Mr. Powell. 2,780 city employees but only how many Indians?

Ms. Parvello. Twenty-six.

Mr. Powell. Twenty-six?

Ms. Parvello. And as for the county figure, there's 2,453, and out of that there's only 17 Indians.

Mr. Powell. Are there any Indian policemen in South Tucson. Ms. Parvello?

Ms. Parvello. No.

Mr. Powell. Any firemen?

Ms. Parvello. No. I don't know how I would explain the situation in Tucson. There's a city of Tucson and then there's one part that is called South Tucson. They have their own city government, their own police department, their own fire department. Out of this we have no Indians whatsoever working, even being on the town council or working as policemen, training to become policemen and working on the force there, or being garbage collectors. There's no Indians employed.

Mr. Powell. Roughly, what is the Indian population of Tucson and South Tucson?

Ms. Parvello. I think the population for Tucson is something like 2,000-some-hundred.

Mr. Powell. What is the total population of Tucson?

Ms. Parvello. I really don't know.

Mr. Powell. In the order of what—200,000?

Ms. Rumley. I don't know. It's more than that.

Mr. Powell. We can get those statistics.

Ms. Rumley. Well, not only do you have the Indians who have lived there a long time, but a lot of them in the city who come temporarily from the reservations, stay for a certain length of time, and then go back.

Mr. Powell. So it fluctuates?

Ms. Rumley. Yes, so that the 25,000 that we usually quote is not the total number of Indians.

Mr. Powell. Let's clarify the record. You're talking about the total number of Indians. You mean 2,500? I think you mentioned 25,000 Indians.

Ms. Rumley. Yes.

Mr. Powell. 2,500 you mean? Is that correct?

Ms. Rumley. Yes.

Mr. Powell. Ms. Parvello, aside from employment, do you feel that Indians play a meaningful role in social services and other related city programs in Tucson?

Ms. Parvello. No., I really don't think so. Like Ms. Rumley stated about the Model Cities program. As far as poverty programs go, there's really been no input from the Indian community in Tucson. And this more or less makes them feel, you know, that this program really isn't for them. It's not really doing anything for them. And that's a problem that we are having now with the Indian Center. Right now we're funded under the OEO, and even there we really don't have any participation in planning and carrying out the program.

In the Model Cities program, there's another thing. There is no citizen participation there, and a lot of Indians don't understand the structure of Model Cities even at the lowest level; participating in units; being on the board; and then presenting, you know, the needs, to the Mayor and Council to get some programs started to help. A lot of people don't understand this, and they don't feel that they can be a part of it. And, still, at the same time statistics are used to receive this kind of funding.

Mr. Powell. They are counted to get service?

Ms. Parvello. Right.

Mr. Powell. —for the city, but the services—once they are received—the city does not see to it that Indians receive those services?

Ms. Parvello. That's right.

Mr. Powell. It's unfortunate.

Ms. Rumley, with respect to getting jobs, what are some of the problems, like transportation, lack of education, insensitivity of employers, that Indians have? Would you care to comment on that?

Ms. RUMLEY. Yes. There are some major problems in transportation. Most Indians don't have the means for getting their own transportation, so it's very hard. There are some requirements that one has, for instance, getting to and from a job or going to and from a place who might hire them. Just in searching for a job, it's very hard.

The bus system, which I hear has improved some—but it's very— There are certain areas where there just isn't any bus service, and so that's one of the drawbacks. You can be qualified for a motor vehicle operator or something like that, you know, a menial type position, but if you can't even get there, the job will go to a non-Indian who has maybe a little more.

In education, there is a large dropout rate. We have problems from the early childhood when a child goes to public school. Most of the areas where the Indians go are predominantly Mexican-American, and there usually is a lot of ridicule and this kind of stuff.

MR. POWELL. Is any attention paid to special needs of Indian students?

MS. RUMLEY. No, I don't think so. We are finding high school graduates who cannot read or write. Most of them are just pushed on from one class to the next until they drop out, and the ones who manage to stay in school are given a diploma. But education is not a good education if they can't read and write.

MR. POWELL. What about the attitude of the State Employment Service and potential employers? Do they refer Indians for the better jobs or are they limited to jobs such as maids and—

MS. RUMLEY. Most of the people who work for the employment office in Tucson have sort of stereotyped Indians into the menial labor, the yard work, the domestic service-type jobs. They are referred to these types of jobs rather than the others. That's probably one reason you don't see Indians in clerical jobs.

MR. POWELL. Do Indians have access to poverty type programs?

MS. RUMLEY. Like food stamps and things?

MR. POWELL. OEO. Community Action.

MS. RUMLEY. The Indian Center is sort of funded, at least they pay the salaries of two people, but there is no program money, and whatever money we do get for programs we have to raise in some other way. Programs like food stamps and some of the others are not really getting down to the Indian.

MR. POWELL. I'm talking from the standpoint of administering the program. Are Indians involved in the administration of these programs? Are they directors of any of these programs? Do they have significant positions in any of these programs?

Ms. Rumley. No. Just the Indian Center.

Mr. Powell. I understand that you are equal employment opportunity officer with Indian Health Service. Is that correct?

Ms. Rumley. Yes.

Mr. Powell. What kind of positions do Indians have in the Indian Health Service? Do they have responsible positions? Are there many Indians employed by the Health Service?

Ms. Rumley. Well, in the area where I am, you have, say, 50 percent Indians, but most of these are in the lower grades. I think, in the area where I am the program that came out from Washington is a program to develop systems and, you know, other methods for providing health care to the Indian. It's a testing ground, you might say. When they first came out, they said that the Papagos would be employed and would be, you know— The highest Papago is grade 9.

Mr. Powell. Then you would say that Indians do not get adequate promotional opportunities?

Ms. Rumley. They didn't. We were beginning to see an equal employment opportunity when that program came in, then, you know, we started doing something.

Mr. Powell. In selecting employees for the Indian Health Service, do you feel that adequate emphasis is given to hiring people who are sensitive to Indian needs, hiring Indians who know the Indians and what the nature of their problem is? Are such people used to orient employees and professional staff of the Indian Health Service?

Ms. Rumley. Well, no, because it's sort of a unique type of situation. It's not like the hospital or the—you know—a hospital on a reservation. It is a hospital on a reservation but the people used are mostly technical-type people, and it is kind of hard to find Indians to fill these type of positions.

Mr. Powell. Ms. Parvello, what problems do Indians in South Tucson face in obtaining adequate health care?

Ms. Parvello. I'd say the main problem is that a lot of people don't even have transportation to go for, just to get a checkup or, you know, any of the close— Like for instance the closest Indian Health Service clinic is out at San Xavier which is about 8 miles from Tucson. And people in South Tucson as far as the Indian Center goes; they provide transportation 2 days a week. That's like Tuesdays and Fridays.

Mr. Powell. And if you're ill on some other day you just don't have transportation? Is that right?

Ms. Parvello. You can't get to the clinic.

Mr. Powell. If you go on Tuesdays and Fridays you have to wait a long time?

Ms. PARVELLO. Right. And this transportation is just by privately owned cars, and it's a lot of risk, because sometimes we have had like 13 people to take out there, and we had to wait for them at the Center until they called at, say, like 6 o'clock in the evening for us to go after them. And this isn't, you know, fair to the people at all. Because they should be—they should have some kind of—health care that's better for them.

MR. POWELL. What about the Pima County Hospital? Can Indians use that to obtain health care?

Ms. PARVELLO. Well, yes, but there were times they just really didn't want to treat you if you were Indian because they felt that you could go out to either Sells or San Xavier and get care there.

But as far as San Xavier goes, now it's just an outpatient clinic.

A lot of the complaints from the people were that they just don't want to go there and wait for so many hours just to see a doctor, and at the same time they don't really understand the procedures or questions asked of them; you know, whether they are eligible or not for county care.

MR. POWELL. What is the Indian Health Service unit we're talking about?

Ms. PARVELLO. This is out at San Xavier.

MR. POWELL. Is there some question regarding service there, about treatment of urban Indians? Do they raise questions about whether or not urban Indians are entitled to be treated there?

Ms. RUMLEY. There was a time when the county hospital referred Indians or told the Indian that he belongs to the Federal Government, you know: "You go over there." On the other hand, when he arrived at the Public Health Service, he was told, "You are an urban Indian. You can't go here." So as a result many problems are cropping up now. For instance, in birth certificates, when you get birth certificates. A lot of the people had to have their births at home. So now that the kiddies are ready to go to school, they are not even born according to the registration thing. They haven't been registered because they were born at home. This problem has been sort of cleared up now because they take the urban Indian.

MR. POWELL. Who? The Indian Health Service takes the urban Indian?

Ms. RUMLEY. Yes, if you can get to their facilities. As Carol mentioned, transportation is the biggest problem. You have to pay somebody to take you. Either that or you take a taxicab, which is— You know, most of these people don't have the money. If they did, they would go to a private doctor.

Health Service do for emergencies, people drastically ill? Is

MR. POWELL. What about emergencies? What does the Indian there any transportation at all? Is there an ambulance service they use?

Ms. Rumley. No, not for the Indians in the city.

Mr. Powell. Ms. Parvello, would you please describe the health care your father received prior to his death? I understand there was a problem.

Ms. Parvello. Yes. Well, we have always lived in South Tucson, and during that time—I think it was in the '60's—we had some difficulty in trying to get treatment for my father. He had been drinking and he had been picked up by the city police and taken to the city jail. During the time that he was there he had a fight with another inmate, and I guess he was beaten badly, and the police, you know, really didn't want to take him down to the clinic.

And then after they felt, you know, some of the other inmates were saying, you know, that he was really sick, that he was, you know, hurt, so then when the police, I guess, whoever, finally realized that he did—that he was having difficulty—they took him to the county hospital. He was examined there but they felt that there was nothing really wrong with him, and so they sent him back to the jail. And then after he finished his sentence he was released, and after that he was having severe headaches, and was not even able to walk home after he was released from the jail. So he managed to make it home somehow, and later that evening, we took him to the hospital.

Mr. Powell. This is the Indian Service Hospital?

Ms. Parvello. No, this is the county hospital.

Mr. Powell. County hospital?

Ms. Parvello. And we got the same response, that there was really nothing wrong with him. So at that time there was a black minister who was head of the NAACP, at the clinic at the time. He said there was something really wrong with him, and he told the doctors that they better get on moving before, you know, something happened.

So when they found out who the minister was, they started. They rushed him to surgery and examined him again, but he had been hemorrhaging all that time. And what happened was that he never—he had received a concussion I guess and never really—after the surgery he never really came out of a coma and died shortly after that.

This is not only— I'm not saying this is just one, particular case. But like even in South Tucson we have had, you know, some accidents that a lot of people couldn't explain as far as South Tucson police.

Mr. Powell. You think this was—the attitude of the county hospital people at that time—was representative of their attitude towards Indians generally?

Ms. Parvello. Right. You know, "This is just another drunken Indian," they couldn't really do anything for him.

Mr. Powell. Did they resist, also, because they felt the Indians should be sent to the Indian Health Service and they had no responsibility for him?

Ms. Parvello. Right.

Mr. Powell. Madam Chairman, I have no further questions.

Commissioner Freeman. Ms. Rumley, would you tell the Commission whether you believe that there are any cultural considerations overlooked by those who are responsible for providing certain social services?

Ms. Rumley. Well, I don't know if you want to call it social services. I have one problem with the welfare rules and regulations, or what have you, being geared to the white man's way of doing things. For instance, in the case of a child who is living with, let's say, a grandmother, in the Indian culture a grandmother can be the wife of the real grandfather, the blood grandfather, but the child cannot get ADC because the grandfather died and the grandmother or the person who is in the Indian way a grandmother is not a blood relative. They say that the relationship ends when the person who is the blood relative died.

This has happened many times, not only in one case. They will say, "We can help the child but we have to put him in a foster home." This little threat, you might say, has stopped many families from trying to go any further to get aid for the child.

I have been asking questions around from different people, and I understand it isn't only the people in Tucson. There are other reservations that have had this same type of problem. We feel our responsibilities as the kin of anybody and we don't relinquish our responsibility to the child when somebody dies.

Commissioner Freeman. Are you saying then that there is a failure to recognize the Indian's definition of family or the so-called extended family and that another definition is imposed upon you?

Ms. Rumley. Yes. And because of this the child is denied support from the ADC program.

Commissioner Freeman. Commissioner Ruiz, do you have any questions?

Commissioner Ruiz. What happens if a person who has his home outside of the limits of the clinic boundary becomes ill or suffers from some injury that immobilizes him and he can't be moved on Tuesday or Thursday? Does he just stay there where he is until he dies or gets well?

Ms. Rumley. That has happened in many cases, but I don't know. If there's somebody around who can push and prod and, you know, ask questions and try to get some sort of help— I think right now there is a situation that exists, and I think Ms. Parvello knows more about that.

COMMISSIONER RUIZ. Has any request ever been made for the delivery of these health services to areas outside of the clinic boundaries by way of an ambulance or a truck with medical supplies, anything of that nature?

MS. RUMLEY. Well, what the Pima County Hospital, which is so overcrowded as it is, you know— We have had some meetings, because there were problems. For instance, if a person has a house, even though it's a shack, he's not eligible for county services, Pima County services, because he has property. And yet many times, the house is just a little shack. It's not—

COMMISSIONER RUIZ. In other words, there are a great many areas where you just don't have any health services whatsoever?

MS. RUMLEY. That's right.

COMMISSIONER RUIZ. No further questions.

COMMISSIONER FREEMAN. Ms. Rumley, would such a thing as a mobile health unit, that could move from place to place on a sort of continuous basis with a schedule, sort of bringing the health service to the people—would this be acceptable to the persons who need these services?

MS. RUMLEY. It probably would be acceptable if you have people who can speak the language, who can understand and communicate with the patients. In many cases it's impossible to communicate with either the—

COMMISSIONER FREEMAN. If it would be serviced, if the personnel would be persons who know the language, whether they are members of the same tribe or not, at least if they could communicate, would this be acceptable?

MS. RUMLEY. Probably would.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. Just one. A few words about the Model Cities program. At one time I was connected with it in Washington. Is South Tucson a part of the incorporated area of the city? Or is it a separately incorporated community?

MS. PARVELLO. Right. It's a town all itself, you know.

MR. BUGGS. Is it contiguous—

MS. PARVELLO. Has its own town council, city government, everything.

MR. BUGGS. Is it contiguous with the city of Tucson? Do they connect? Does South Tucson abut Tucson?

MS. PARVELLO. Yes.

MS. RUMLEY. It's right in the middle. It's surrounded by the city.

MR. BUGGS. Where is the Model City target area with respect to South Tucson?

MS. PARVELLO. It ends right—the boundary line ends right where our Indian Center is located.

MR. BUGGS. Well,—

MS. RUMLEY. Partially in South Tucson.

MS. PARVELLO. Part of South Tucson.

MR. BUGGS. Some time ago the rules were changed—I don't know whether South Tucson was told this—so that the city of Tucson and city of South Tucson may apply to the Department of Housing and Urban Development, the Model Cities Administration, to extend the target area. Was that done?

MS. PARVELLO. It has been extended I think this past year.

MR. BUGGS. Does it now include the Indian community of South Tucson?

MS. PARVELLO. Right. Most of it.

MR. BUGGS. So now you can use the neighborhood health care center?

MS. RUMLEY. No.

MS. PARVELLO. No, there's only one— This is only a pilot project that we're talking about, the neighborhood health center, and this is for the original Model Cities area. This was to serve, like, 10,000 people in the Model City area.

MR. BUGGS. Was a petition made to extend the boundaries so that it could include other people?

MS. PARVELLO. No, because already the clinic is overcrowded as far as receiving some of the patients from the county hospital.

MR. BUGGS. Was a petition made to set up another clinic?

MS. PARVELLO. No.

MR. POWELL. Or to increase the existing one?

MS. PARVELLO. No.

MR. BUGGS. Well, it could be done. I simply want to let you know that. And maybe when you go back you ought to raise the question with the city fathers in Tucson.

Thank you.

COMMISSIONER FREEMAN. Ms. Parvello, do you have an opinion —I believe Ms. Rumley responded to Commissioner Ruiz's question concerning the Tuesdays and Fridays or Thursdays—of what would happen if you got so sick that you could not be moved, if a person got so sick he or she could not be moved? Would you like to comment on that?

MS. PARVELLO. Yes. Tuesdays and Thursdays, when we go out to the clinic, sometimes some of the people can't even make it to the Center to go to the clinic. But a lot of times these people either have to find some way, that they can get to the county hospital, and even if they get that far they are still discouraged about having to go through the whole thing of, you know, "Are you eligible for county care?" and all this. And then if they are so sick that they have to go to the hospital, they have to wait some time before they can say they can go either to the Health Service or maybe there's a hospital available—a bed available—at one of the hospitals right in the Tucson area.

Commissioner Freeman. Thank you very much. You may be excused.

We will now take a lunch break. This hearing is in recess until 1:30.

(Whereupon, at 12:17 p.m., the hearing was recessed, to be reconvened at 1:30 p.m., this date.)

AFTERNOON SESSION

1:30 p.m.

Commissioner Freeman. This afternoon's session of the civil rights hearing is now called to order. Before we call the next witness, I would like to recognize the presence of other members of the State Advisory Committees. Mrs. Rita Madrid, a member of the Arizona State Committee.

Will you stand, please?

Mrs. Juana Lyon, member of the Arizona Committee, who is also going to join the Commission and assist us.

Mr. Herb Grier, will you stand? And Mrs. Connie Salisbury, members of the New Mexico Committee.

Thank you for your interest and presence.

Now, our first witness for this afternoon is Mr. Milford M. Sanderson, Federal Programs Director of the Ganado Public School System. Is Mr. Sanderson here? Will you come forward, please?

Mr. Sanderson, will you raise your right hand to be sworn?

(Whereupon, Mr. Milford M. Sanderson was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. MILFORD M. SANDERSON, FEDERAL PROGRAMS DIRECTOR, GANADO, ARIZONA PUBLIC SCHOOL SYSTEM

Commissioner Freeman. You may be seated. Mr. Powell, will you proceed?

Mr. Powell. Would you please state your name, tribal affiliation, and occupation for the record?

Mr. Sanderson. My name is Milford M. Sanderson. Director of Federal Programs for the Ganado Public School System, Ganado, Arizona. I am affiliated with the Hopi tribe.

Mr. Powell. I understand until very recently you were a resident of Phoenix. Is that right?

Mr. Sanderson. That is true.

Mr. Powell. And that you were active in various community groups in Phoenix. In what activities did you serve?

Mr. Sanderson. What Indian activities?

Mr. Powell. In what capacities did you serve?

Mr. Sanderson. For a number of years I was the president of the Amerind Chapter here in Phoenix—an Indian civil rights organization. And I was the president of the American Indian Forum.

Mr. Powell. What is the purpose of the American Indian Forum?

Mr. Sanderson. The American Indian Forum has several purposes that are stated in its constitution and bylaws. However, basically, the American Indian Forum was created after a paper from the Indian Health Service stated that there would be a possible curtailment of Indian health services to the Indians who lived in the metropolitan area of Phoenix.

Mr. Powell. How and when did this issue arise?

Mr. Sanderson. I can't tell you the exact month, but it was this year. It was in the early part of this year.

Mr. Powell. And what were the circumstances which gave rise to this dichotomy in the attitude of the Indian Health Service between urban Indians and Indians on the reservation?

Mr. Sanderson. Would you state your question again, please?

Mr. Powell. What were the circumstances which gave rise to the difference in attitude by the Indian Health Service with respect to services to reservation Indians in contradistinction to Indians who live in metroplitan areas?

Mr. Sanderson. It was stated by the Indian Health Service that individual Indians are not entitled to services provided by the Indian Health Service. The individual Indian becomes eligible for health services through membership in a group, tribe, or band for whom Congress has given the responsibility to Indian Health Service for providing health services.

Mr. Powell. Isn't it true that urban Indians are nevertheless members of tribes? Aren't Indians who live in metropolitan areas members of tribes?

Mr. Sanderson. For the most part, yes, it is true. And, in fact, I can speak for the State of Arizona that probably 90 percent of the Indian people who live in the Phoenix metropolitan area can identify themselves with a particular tribe. They can probably go to the extent that they can state their census number, tribal enrollment number, the amount of relatives living on a reservation who are directly related to them.

Mr. Powell. Then, if Indians who live in metropolitan areas are members of tribes, and if individual Indians are entitled to health services by virtue of tribal membership, there must be some other reason why the Indian Health Service drew this distinction. Did it have something to do with the resources of Indian Health Service?

Mr. Sanderson. Let me state something else before I get to that. First of all, it has been stated that services by the Indian Health Service can be given to those Indians living on the reservation or near the reservation. That is one thing.

The second part of your question, please?

Mr. Powell. Well, so long as Indians are members of tribes, as I understand it, they are entitled to services of the Indian health facility. Then, if that is true, tribal members who live in metropolitan areas would be entitled to the services of the Indian Health Service, would they not?

Mr. Sanderson. Not necessarily, according to the Indian Health Service.

Mr. Powell. Why not? Do inadequate resources have something to do with this position?

Mr. Sanderson. In this position paper that was put out, the paper said that they did serve urban Indians, but due to the amount of money, funding, the amount of staff available, that if the time came when the staff and funds were inadequate the urban Indians or those people living in metropolitan areas would have to have their services curtailed.

Mr. Powell. So their position didn't have anything to do with right of Indians to receive this service? That's acknowledged as long as they are tribal members? It had something to do with resources?

Mr. Sanderson. Yes. But—

Mr. Powell. Do you agree with that position, Mr. Sanderson?

Mr. Sanderson. No.

Mr. Powell. Why not? What are your views on it?

Mr. Sanderson. Well, first of all—I said no because there's something else to that.

Mr. Powell. Proceed.

Mr. Sanderson. First of all, there are rules and regulations from Washington, D. C., that are directed to the various tribal organizations, tribal councils. Now, the Indian people who go to the cities to make a living, to go to school, maybe even to go to be able to exist, are not recognized by their own tribes. Once they cross a reservation border, the tribe has no concern for them. At least there has been no kind of definite concern, where, say, for instance, if a Hopi Indian goes to the Indian Health Service hospital and is denied services, it would seem that the Hopi Indian could call his own tribal council or council chairman and say, "Look, I have been denied services at the Indian hospital in Phoenix. Can you help me?" I believe that all it would take would be a phone call from that tribal chairman down to the director of that hospital, "Serve our own people. They are members of our tribe. We don't care where they live."

Mr. Powell. What you seem to be saying is there are two reasons why urban Indians don't get service. One is the position of the Indian Health Service—although the Indian Health Service—

MR. SANDERSON. That's right.

MR. POWELL.—is serving urban Indians now—because of resources. The other is in the case of some tribes they do not support the petition of the urban Indian for services from the Indian Health Service.

One of our SAC members here tells me this isn't true in every case, that the Navajo tribe, for example, supports—

MR. SANDERSON. Yes, I was going to refer to that.

MR. POWELL. We would not want to get the record to be misleading. We would like to have the general picture. It may be that the Hopi position is an exceptional position.

The testimony we heard in New Mexico tended to indicate that tribes were supporting the efforts of urban Indians to get services in Indian Health Service facilities.

MR. SANDERSON. I was using the Hopi tribe as an example. Whether this kind of situation has, in fact, happened is not known at this time.

MR. POWELL. All right. Now, regarding urban Indians who sometimes don't get treated at Indian Health Service facilities, are there any alternative health services available to them?

MR. SANDERSON. Yes.

MR. POWELL. Go ahead.

MR. SANDERSON. There are services that are available from the State, county, city medical units.

MR. POWELL. Do the urban Indians prefer to be treated at the Indian Health Service facilities?

MR. SANDERSON. Yes.

MR. POWELL. Why is this?

MR. SANDERSON. Well, because of two basic reasons. First of all, they feel that they are Indian no matter where they are. They feel that they have a direct relation to a particular tribe, and, therefore, they should be served at an Indian hospital just like any other Indian is served who comes from a reservation.

The second thing is that the—It's just—I don't know how to say it—

MR. POWELL. Well, let's go on to something else.

MR. SANDERSON. All right.

MR. POWELL. Perhaps you'll think of it.

What about the question of control? Is there any mechanism of control over the Indian Health Service facilities? For example, they have Indian advisory boards which are supposed to be involved in decision-making. What are your views on this question?

MR. SANDERSON. Well, first of all, I do know that they exist. I do know that each tribe does send a representative to the advisory board. They do hold monthly meetings. And I'm acquainted with the president of the advisory board for the Indian health—Phoenix Indian health unit here.

MR. POWELL. Do you think they exercise any effective control?

MR. SANDERSON. Well, I was saying that even though these things are happening, I do not feel that they do have the maximum amount of power to hire, to fire, to set policy, to spend allocated monies.

MR. POWELL. I see. What recommendations, Mr. Sanderson, would you give to alleviate the problem associated with the eligibility question?

MR. SANDERSON. Well, the first thing I think that needs to be examined is that, first of all, one must know that each tribal government exists for its own people.

As you know, there is a past history of Indian people not really coming together as a cohesive group as you find in blacks and Chicanos. We call this tribalism. Now, some people say it's bad; some say it's good. You know there's pros and cons on it.

But any person who is not living on a reservation—And I speak of urban Indians—if there's anything to be done to immediately help, say, those Indian people living off the reservation, it's this: Let's go ahead and say, okay, tribalism is fine. Now, if tribalism is fine, then those people, Indians, who live in an urban setting who can identify themselves with the tribes should be recognized by those tribes, by their own tribes, recognized to the point where—Such as the Navajo. I don't think that you can ever find an urban Navajo Indian, and the reason why is because their tribe recognizes them wherever they are. There is a Navajo group in Los Angeles, in Dallas, in Phoenix, and other urban groups that are even allowed to vote for their own tribal council chairman. They are allowed a voice in their tribal government. But this is only one particular case, and I don't think you will find many other cases such as this.

Once you have the tribes recognizing their own people in the cities and taking an advocacy role and saying, "Look, we don't care where our own tribal people live; serve them," or, you know, use whatever tribal power there is to back these people—Otherwise, there just might be a chance for the civil rights of that individual being violated.

Because the Government is saying, "You must live on a reservation or near the reservation to receive services, and the tribe, some of the tribes, may be parroting the same thing and saying, "We can't do anything for our people unless they live on our own reservation or near our reservation," which again—I mean is it right to deny a person a place—deny a person the right to live anywhere he wants to?

MR. POWELL. That was on the issue of eligibility. What steps would you suggest be taken so that Indians could achieve greater control over the institutions which affect their lives? For example, the Indian Health Service facilities. What steps do you think should be taken in that regard?

MR. SANDERSON. I think the Indian Health Service itself is making an attempt to start this. However, we won't feel this until a number of years have passed. And that is, I believe, in the University of Southern California where they do have an Indian Health Service training program to train Indians to take over managerial positions, administrative positions. But I think that the Indian Health Service, first of all, doesn't seem to take the position of advocacy for the Indians. In other words, what I'm saying is the hospital doesn't exist for the Indians. It's the Indians that exist for the hospital.

MR. POWELL. I have no further questions, Madame Chairman.

COMMISSIONER FREEMAN. Mr. Sanderson, I would like to pursue with you this concept of the Indian Health Service. And I may be repeating a little bit, but I want to be sure that I understand you, because it seems to me that we are talking about the Indian Health Service as a service or facility that is federally funded. Is that correct?

MR. SANDERSON. Yes.

COMMISSIONER FREEMAN. And are you saying that in the service, as administered, there may be Indians who are denied the service—

MR. SANDERSON. Yes.

COMMISSIONER FREEMAN.—solely because they happen not to meet a certain definition—

MR. SANDERSON. Yes.

COMMISSIONER FREEMAN.—and that this definition of urban Indian or non-reservation Indian is imposed by the Indian Health Service?

MR. SANDERSON. Yes.

COMMISSIONER FREEMAN. Well, let's then look at the Indian Health Service in a little bit more detail. Will you tell the Commission something about who is in control—the individuals who are in control of the Indian Health Service? Who are they—again you may be repeating—the persons who make the decision that a non-reservation Indian is not eligible—who are these people?

MR. SANDERSON. They are people in Washington. I was in Washington in the early part of this year talking to the head of the Indian Health Service. He said, "Well, that's the Congressional intent, and we follow Congressional intent, and we cannot begin to change Congressional intent. The only people that can change Congressional intent are you Indian people."

Now, and so, consequently, it's a matter of interpretation of rules and regulations.

COMMISSIONER FREEMAN. Well, Mr. Sanderson, I would not ask you to identify that person at this hearing because of our rules, but I would like to ask you, however, if you will make available to this Commission in writing the names of the persons in Washington who have stated to you that it is Congressional intent that the non-reservation Indian be denied access to Indian health service. Will you make that information available to this Commission?

MR. SANDERSON. Yes.

COMMISSIONER FREEMAN. Will you also indicate for us, if it is not a decision that is made in Washington, is there any area control, regional office control, or tribal control of the Indian Health Service in terms of the rules and regulations as to who shall be served?

MR. SANDERSON. Oh. Okay. Yes. I'll attempt to answer your question.

First of all, there is tribal input into this decision. Now, whether it's official or not, there is such an attitude as, "We don't want the Indian Health Service to extend its services to urban Indians because there are more urban Indians than reservation Indians, and, therefore, they will take away the amount of funding given to Indian health services and staff, and so forth, and that way our own reservation people will not have the adequate services that they need."

That's the input of the tribal councils.

The administrators here in the area, backed with that kind of thinking from the tribes, will, of course, continue to emit that same kind of—I mean will continue to deny—because they will not and do not want to offend the tribal councils.

COMMISSIONER FREEMAN. I would like to ask you to comment on this statement: A non-reservation Indian may not be a member of a federally-recognized Indian tribe, but the urban Indians we are discussing usually are.

MR. SANDERSON. Yes.

MR. POWELL. I think what the Chairman means here is that if a non-reservation Indian is not a member of a tribe by virtue of the definition we have been discussing, that Indian would not be entitled to services of the Indian Health Service facilities.

MR. SANDERSON. Right.

MR. POWELL. But an urban Indian or non-reservation Indian who is a member of a tribe would be entitled to such services. Now, is it these Indians that you are talking about that tribes do not support—the Indians who by virtue of their tribal membership would be entitled to Indian Health Service facilities?

MR. SANDERSON. Let me try it again now. There are such people, Indian people, who are termed urban Indians. Those urban Indians are those Indians living within a metropolitan area of any urban area. Now, those people, those Indian people, may be members of various tribes. You'll find this true here in Phoenix. Now, it constitutes two kinds of Indians—those Indians that are affiliated with a federally-recognized tribe and those Indians that belong to a non-federally-recognized tribe.

MR. POWELL. That second group we don't need to discuss for purposes of this analysis, do we?

MR. SANDERSON. Yes.

MR. POWELL. That's another problem. That's a problem, but that's another problem.

MR. SANDERSON. That is a problem, but it's beyond what I'm talking about now.

MR. POWELL. Let's talk about the tribal members who live in metropolitan areas.

MR. SANDERSON. Right.

MR. POWELL. What about them? Are you saying the tribes don't support members who live in metroplitan areas?

MR. SANDERSON. Yes.

MR. POWELL. I see. Is that the generally held view among Indians?

MR. SANDERSON. In my opinion, yes.

MR. POWELL. I understand there is more than one point of view on that. Perhaps we will hear from others on it too.

MR. SANDERSON. Well, what do you mean by "support?"

MR. POWELL. You were suggesting that one reason why urban Indians who live in the metropolitan areas have difficulty in getting services from Indian Health Service facilities is that their tribal brothers on the reservations don't support their right to receive such services, if I understood you.

MR. SANDERSON. No. I said that the Indian people— Now, let's take the city of Phoenix. Those that live in the city of Phoenix, a majority of them, can go today, this hour, to the Indian hospital and receive services.

MR. POWELL. That's our understanding, yes.

MR. SANDERSON. Okay. But at one point in time, as indicated by this paper here, because of lack of funding, staff, the people that are going to be curtailed are the urban Indians. Okay?

Now,—

MR. POWELL. That was the position of the Indian Health Service regarding priorities. Right?

MR. SANDERSON. Yes.

MR. POWELL. You referred to a paper there. Which paper is that to which you refer?

Mr. Sanderson. This is a paper entitled "Availability of Health Services to Phoenix Urban Indians."

Mr. Powell. May we have a copy of that for the record?

Mr. Sanderson. Yes.

Mr. Powell. Madam Chairman?

Commissioner Freeman. It will be received.

(Whereupon, the document referred to was marked as Exhibit No. 4 and received in evidence.)

Mr. Sanderson. But I'm saying that under that circumstance, you know, no Indians are being denied yet. Yet. But if, in fact, they are denied—and presently some of them can't turn to their tribal councils for assistance, you see, because there hasn't been that kind of backing officially or unofficially—

Mr. Powell. I don't know why you say they can't turn to their tribal council. That position you are discussing is an Indian Health Service position which is based upon lack of priorities. That's quite apart from whatever tribal leaders do, positions they do and do not take, unless there is some evidence—

Mr. Sanderson. Okay. Well, let's say it this way then. I have not heard of an Indian person, individual, who has been denied services from the Indian Health Service that has gone to his tribe and asked for assistance, for backing,—

Mr. Powell. Perhaps if he went to his tribe and sought such assistance he would get it then.

Mr. Sanderson. It's possible.

Mr. Powell. All right. Okay. I have no further questions, Madam Chairman.

Commissioner Freeman. Commissioner Ruiz, do you have any questions?

Commissioner Ruiz. You mentioned that the University of Southern California has a training program for Indian Health Service of some kind. Is this something that is just starting?

Mr. Sanderson. I believe it's a very recent program—in the past year or two.

Commissioner Ruiz. Do you know how they are recruiting this talent?

Mr. Sanderon. Not specifically.

Commissioner Ruiz. Have you had any experience whatsoever?

Mr. Sanderson. I do know there was a lady that came out to various parts of Arizona to talk about the project and to encourage Indian students to partake in the program, but I don't know—I saw her at two meetings, but perhaps she has done more than that.

Commissioner Ruiz. Well, now, so that talented Indians will not be separated from their tribes by attending school of general outside jurisdictions such as the University of Southern California, and so that this type of talent will not be separated from the traditions and the customs of the local reservation, could not medical instructions—Or has there been any attempt to get medical instructions and training so that it would take place on the reservation with local Indian medical doctors who would participate in these training programs? Has that been attempted?

MR. SANDERSON. I think it has been attempted to some extent, but it's only in the very lower echelons of the Indian hospital employment structure.

COMMISSIONER RUIZ. Is that something that's good?

MR. SANDERSON. Well, it just indicates that you'll find most of the janitors and nurses' aides and what have you, the floorsweepers, being Indians.

COMMISSIONER RUIZ. No, I'm speaking about medical interns, medical training. If outside trainers could come in to the area to train for medicine instead of sending the talent to some other university to train for medicine. Has there been any attempt to do that? I'm not talking about janitors.

MR. SANDERSON. Right. Okay.

COMMISSIONER RUIZ. Has that been attempted in any fashion?

MR. SANDERSON. I think it has been to some extent but not to where I can say, yes, you know, and feel good about it.

COMMISSIONER RUIZ. Well, has that been—If it's good, would some program along that line, to exercise activity in that sense, be of assistance?

MR. SANDERSON. Sure. Yes.

COMMISSIONER RUIZ. And you feel that you could get your people to back such a program?

MR. SANDERSON. I can't guarantee that. It hasn't been tried, you know, and some—But it seems like a feasible idea.

COMMISSIONER RUIZ. It would be innovative, as they call it, a new program, but it might be feasible?

MR. SANDERSON. Yes.

COMMISSIONER RUIZ. And would possibly be good?

MR. SANDERSON. Yes.

COMMISSIONER RUIZ. That's all.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. Just a couple of questions, Mr. Sanderson. You indicated that the rule is that health services will be provided Indians who live on or near the reservation. I understand what living on a reservation means, but has anyone ever defined what "near a reservation" is?

MR. SANDERSON. I have heard that stated. However I haven't examined that in its entirety. But, for instance, those Indians living in, say, Flagstaff, Holbrook, Winslow, Gallup, they are served by the Indian Health Service.

Mr. Buggs. How far are they from a reservation?

Mr. Sanderson. Oh, anywhere from 9 miles to 20 miles.

Mr. Buggs. Well, is there a limit beyond which services would not be provided? I still don't know what "near" means. Is it 10 miles, 20 miles, or—

Mr. Sanderson. I couldn't answer. I couldn't answer that.

Mr. Buggs. I see. And the other question is: Does it have to be near his reservation or a reservation with which he is in some way affiliated? Or any reservation? In other words, could a Hopi Indian living near a Navajo reservation be eligible?

Mr. Sanderson. I'd have to answer yes in that particular circumstance because, you know, it is, in fact—they are living with reservations adjacent, you know.

Mr. Buggs. Suppose they were not adjacent.

Mr. Sanderson. Okay. To my knowledge, of those Indians that I know of, they are getting Indian health services, yes.

Mr. Buggs. Thank you.

Commissioner Freeman. I believe Mr. Powell has another question.

Mr. Powell. Yes. You stated that in principle the county hospitals, municipal hospitals should be available to Indians.

Mr. Sanderson. Yes.

Mr. Powell. Does that actually happen in practice? Our investigation indicates that often when Indians go to municipal hospitals they are referred back to the Indian Health Service.

Mr. Sanderson. That's true. It is true. An Indian will go to— There have been instances, particular instances, of Indians going to county hospital and that person who is sitting at the admissions desk will automatically say, "Well, you know, you're an Indian. You should be going to the Indian Health Service hospital."

Mr. Powell. But aren't Indian citizens like other residents of the county? Aren't they entitled to services of the municipal hospital on the some basis as other residents?

Mr. Sanderson. Yes.

Mr. Powell. I have no further questions.

Commissioner Freeman. Mr. Sanderson, for how long a period has the situation existed—

Mr. Sanderson. What situation?

Commissioner Freeman. —that the municipal hospital has denied services to an Indian solely because he was an Indian? For how long has this been going on?

Mr. Sanderson. I don't think that you can say that, you know—It's a sporadic thing. You hear about it once in a while. But no one can really get down to the basic situation; particular individual situation. You might be able to send five Indians to that hospital and they'd all be served by the county hospital.

But then the sixth one may go and he may get just the opposite kind of treatment.

Mr. Powell. Let me clarify the record too. If an Indian can pay for services at a hospital, he would be served?

Mr. Sanderson. Oh, yes.

Mr. Powell. It's a matter of denying free services on a clinical basis that are provided to other indigent citizens of the community?

Mr. Sanderson. Uh huh.

Mr. Powell. We're looking into this question. I believe, Madam Chairman, that a serious Title VI questions is presented where hospitals receive Federal funds and are denying services to any minority group, including Indians. And we're going to be in touch with the responsible officials in Public Health Service and HEW to explore that question.

Commissioner Freeman. This is precisely why I was asking Mr. Sanderson if this has been going on for any length of time. We take the position that even if one person is denied solely because of his race or ethnic position that this is in violation of Title VI, and we will certainly pursue this.

Thank you very much, Mr. Sanderson.

Mr. Buggs. Madam Chairman, may I just for the record indicate that one of our expert consultants here has indicated that there is a distinct difference in terms of what the definition of "near a reservation" is. It's pointed out that in California the whole State is considered to be near a reservation but not for purposes of the Public Health Service but only for the purpose of the utilization of Johnson-O'Malley funds. And it may be that we should look into that, too.

Commissioner Freeman. Here again we are seeing that one of the very serious problems is with proper interpretation and practices of the Federal Government, which makes it even much more serious than even if it is local.

Mr. Sanderson. May I make a comment, please? It seems that in my dealings with the hierarchy of Indian Health Service, nowhere did I ever find a feeling of advocacy for Indian people. I mean they know the problem exists but—

Commissioner Freeman. I think we understand you, Mr. Sanderson.

Mr. Sanderson. —you live within the rules and that's it. There's no kind of advocacy and saying, "Okay, there's a problem. Let's do something about it."

Commissioner Freeman. You see, what is even more serious to the Commission is that before getting to the point of advocacy there seem to be some denials and discrepancies that are very basic, and before we ever get to whether they are advocates of the Indian or not that there is a failure to recognize basic rights of citizenship. And this is much more serious.

Thank you very much.

MR. SANDERSON. Sure.

COMMISSIONER FREEMAN. The next two witnesses to be called are Mr. Marvin Mull and Mr. Roy Kitcheyan, and they will be questioned by Mr. Michael Smith, who is Assistant General Counsel.

Mr. Mull and Mr. Kitcheyan, will you come forward? Will you remain standing and be sworn, please?

(Whereupon, Mr. Marvin Mull and Mr. Roy Kitcheyan were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. MARVIN MULL, CHAIRMAN, SAN CARLOS APACHE TRIBE, AND MR. ROY KITCHEYAN, SAN CARLOS APACHE TRIBAL COUNCIL MEMBER

COMMISSIONER FREEMAN. You may be seated. Mr. Smith.

MR. SMITH. Will you each please state your name and position for the record?

MR. MULL. I'm Marvin Mull, Chairman of the San Carlos Apache Tribe.

MR. KITCHEYAN. I'm Roy Kitcheyan, a tribal council member from San Carlos Apache Tribe.

MR. SMITH. Chairman Mull, how large is the San Carlos Apache reservation, and how many members does the tribe have?

MR. MULL. We have over a million acres and our tribal enrollment is over 6,000.

MR. SMITH. I take it that a majority of these people live in very rural areas? Is that right?

MR. MULL. Yes.

MR. SMITH. Mr. Kitcheyan, you are chairman of the tribal health committee? Is that right?

MR. KITCHEYAN. True.

MR. SMITH. What facilities, what medical facilities, are available to members of your tribe?

MR. KITCHEYAN. Well, we have the Public Health Service on the reservation.

MR. SMITH. What about facilities off the reservation, other facilities than the Public Health Service?

MR. KITCHEYAN. Off the reservation?

MR. SMITH. Yes. For example, is there a county health facility near the reservation within commuting distance?

MR. KITCHEYAN. Yes, there is a county hospital in Globe, Arizona, a few miles from the reservation.

MR. SMITH. As chairman of the health committee, are you in a position to hear complaints from tribal members about the Indian Health Service facilities?

Mr. Kitcheyan. Yes, sir.

Mr. Smith. Could you describe for us some of the complaints you hear?

Mr. Kitcheyan. Yes, sir. First, we really have good cooperation starting with the area here in Phoenix, but the doctors in San Carlos—which the individual people on the reservation complain of is the doctors—that any time the patient is brought in to the hospital—there are about five doctors to the Indian Health Service—but after working hours, after 5 o'clock, there should be one available at all times.

But sometimes an emergency matter is brought in by the ambulance from Bylas—it's about 28 miles from San Carlos and this patient has to wait for the doctor to arrive for the treatment sometimes an hour or 2 hours.

That's the only trouble we had on the reservation as long as I was the chairman of the health committee there. We usually meet every third Tuesday each month. I have been talking to the doctors about this matter, and I think they are doing okay now.

Mr. Smith. You say until recently doctors were on call at the clinic only during normal working hours and that after 5 o'clock patients had to wait for doctors to come from their homes? Is that right?

Mr. Kitcheyan. Correct.

Mr. Smith. What happens if a patient is sick and can't get to the hospital? Are there facilities for a doctor to come to the patient's home?

Mr. Kitcheyan. Negative. We had an ambulance, like I said before, from Bylas, 28 miles east of San Carlos, and this ambulance is available at all times, day and night, 24-hours. Any sickness or any emergency matter comes up they usually bring this patient to the hospital. But around San Carlos after working hours we don't have any ambulance. We do have an ambulance at the hospital but we are short a driver.

Mr. Smith. I see. Chairman Mull, are there any other health complaints that members of your tribe have that you would like to add?

Mr. Mull. Yes. I personally have seen some of the problems we have had with the Public Health Service. One of them is a case where a man went to the hospital and he was in very much pain, and he had to wait in the hallway to see the doctor for over 2 hours. And he came back to my office, and he told me that he got tired of waiting and the pain was just getting worse and worse, so he happened to be with his nephew at the time, and I told his nephew, I said, "Why don't you go ahead and take your uncle into Globe to the county hospital and see what's wrong with him, have him checked over there?" And I knew this man didn't have any money, so I just told him to go ahead and tell the doctor or the hospital there to send us a bill.

Well, about 2 weeks later the man came back, and he had an emergency operation, appendix.

Now, there have been other cases similar to this like Roy just brought out a while ago, after working hours, and also on the holidays, where the Bureau officials have seen some of the cases themselves also. And it was said, you know, by one of the Bureau officials, "Why don't you put up a big sign in the public places here, 'Please don't get sick after working hours or on holidays.' "

So, it's really true that it's just pretty hard, you know, to get the doctors to work on the emergency cases.

Sometimes, if you have to ask the nurses, or the nurse to hurry the doctor up, and they say, "No, he's pretty tired, I'm not going to call him."

MR. SMITH. Let me ask you this. The staff members of the Commission have heard complaints from time to time that the doctors at the health facilities are there only for a very short time and are rotated rapidly. Is that true of your reservation?

MR. MULL. Yes.

MR. SMITH. And if so, what kind of problems does it present in terms of the doctor-patient relationship?

MR. MULL. Well, that's true. They have to put in their time on the reservation. Now, some of these doctors, you know, are very good. They are very good doctors. And, well, we can tell right away, you know, if the doctors are very good, and we begin to like them, and when their time is up, you know, for them to leave, well, we hate to see them go, but they have to go.

When the new doctors arrive, it seems like, we have to start all over again. And it really hurts to try it.

MR. SMITH. You have a tribal health committee. Has this health committee been effective in bringing some of your complaints to the attention of the IHS and in getting the IHS to remedy some of these problems?

MR. MULL. Well, the intent of the tribal council is that, yes, and we appoint a five-man committee from the tribal council, and they are to resolve some of the problems, and you know, that we have with the Public Health Service.

MR. SMITH. Let me rephrase that question. Has the Public Health Service been responsive in answering these complaints, in remedying the problems that you bring to their attention?

MR. MULL. Some of them. On some of them they do, yes. Not all of them.

MR. SMITH. Who administers law and order on your reservation?

MR. MULL. The Bureau of Indian Affairs.

Mr. Smith. The Bureau of Indian Affairs does? Do you believe that the tribe receives adequate law enforcement from the Bureau?

Mr. Mull. To me, I feel, you know, that the Bureau of Indian Affairs is more involved in tribal politics and not giving the service, you know, like they should to the Indian tribe as a whole on our reservation.

Mr. Smith. So you believe that the law enforcement provided by the BIA is ineffective or inadequate?

Mr. Mull. That's right.

Mr. Smith. What could be done to improve this at San Carlos?

Mr. Mull. Well, I think, you know, if they have the right kind of a man that will enforce the law instead of, you know, the superintendent himself hand-picks maybe some of his acquaintances, from another Indian reservation or maybe from back home and brings them down to the reservation— Well, they're not too effective at all. Like, for example, on our reservation there has been a lot of lawbreaking, you know, and the tribe by resolution asked the law and order department to follow up on some of these things. Well, at first they said, "Yes, we'll do it." And then— Well, they did it just once, and after that, you know, they just forgot about it and it slackened up again. And we're in the same situation now, as when we asked them.

Mr. Smith. Let me ask you about one other area. The Bureau on your reservation contracts out construction jobs to private contractors, does it not?

Mr. Mull. Yes.

Mr. Smith. Road construction and that kind of thing?

Mr. Smith. That's right.

Mr. Smith. Are you satisfied that members of your tribe are adequately and fully employed in these construction jobs?

Mr. Mull. Well, they have done—I don't know—about four or five of them, and that's all. Right now, you know, we don't have any.

Mr. Smith. Well, when private construction contractors come on the reservation to do work, as a general rule do they employ adequate numbers of Indians or do they not?

Mr. Mull. We ask that to be done, but sometimes the contractors say, you know, that they have to have their own members, which are union members, and they come first. Or sometimes, when some of our own local Indian boys are hired, then the contractor finds out about this. Then they say, "You better get rid of that Indian boy there or else make him join up with the union and then you can keep him on your payroll."

Mr. Smith. Thank you. I have no further questions.

Commissioner Freeman. Chairman Mull, there are two areas I would like to pursue. Because in response to Mr. Smith's question about who administers law and order, you said the Bureau of Indian Affairs. I would like to ask you again now: The Bureau of Indian Affairs— By that do you mean that they employ the persons who are involved in law enforcement, the police, et cetera? Well, then, I'd like to ask who are these employees, law enforcement personnel? Are they Indians?

Mr. Mull. The criminal investigator, the head man of the law and order department, is an Indian, but he is not our member. He is not an Apache. He is of another Indian tribe from another reservation. He does the hiring. And when there is a vacancy, he takes the application. Most of our policemen are local Apache boys at San Carlos.

But I'd like to further add, also, an incident happened here not too long ago where I asked our criminal investigator to question some of the suspects where a young man was beaten up pretty bad, and this criminal investigator said. "No, I can't do it unless I have a warrant."

I said, "I don't think you need a warrant."

He said, "Yes, I do."

And then we kind of got into an argument over this, and then he began to tell me, you know, how he dislikes me. He said, "I don't like you at all, and I don't like what you stand for, and I don't like San Carlos at all."

And he said, "If you want to," he said, "You can get rid of me and I can get the heck out of here the first thing in the morning."

Now, this is word for word that I'm telling you.

And then about half an hour later we were still talking, and a lady came in, you know, and she is one of the very respectable ladies on the reservation. She understands English very well. So I asked this officer here, "Won't you repeat just what you told me a while ago?"

And he just threw up his arms like this and he said, "I deny the whole thing. I don't remember anything at all." And he said, "I'm not saying anything."

And I said, "Well," I said, "Here's one of your officers, and he's a local Apache boy there." And I said, "He will be one of the witnesses."

"Him?"

"Yes."

And he said, "How do you think— What makes you think that he's going to back you up? He's one of my boys. And he's not going to support you. He may be your relative but he's not going to support you as long as I have control over the law and order department."

That's what he told me.

COMMISSIONER FREEMAN. Will you then answer the other question that I have? And that is with respect to employment. Your statement was that the Bureau, which is again a Federal agency, a Federal contractor we'll say, contracts out construction jobs, and your answer was that the Federal contractor has explained his refusal to hire Indians on the basis of the fact that he had a union contract. Again, this is in violation of Federal law. And I want to be sure that I am understanding you correctly. That is, are you saying, that the Bureau of Indian Affairs does not enforce its nondiscrimination provision of its Federal contract with private contractors who are engaged in construction contracts?

MR. MULL. Well, we have had, you know, some money allocated, you know, by the Federal Government for road construction. Like we had one bridge, you know. That was put in here within the last 60 days. And the money was put up by the Federal Government. And a white contractor from off the reservation came in and they did the contract. Now, we have had, you know, several of them like that in the past where they won't hire local Indian boys, you know, unless they are members of a union.

COMMISSIONER FREEMAN. Will you tell us if you have taken any steps to try to correct this situation?

MR. MULL. We have, and, you know, each time when we bring out some of the things that we'd like corrected, sometimes, it's just like going against a brick wall. We can't do anything.

COMMISSIONER FREEMAN. Well, maybe we can. We'll try.

Commissioner Ruiz.

COMMISSIONER RUIZ. Well, on the subject of road construction, I assume that you do not have all-weather roads that pretty well cover an area of one million acres during the entire year.

MR. MULL. No.

COMMISSIONER RUIZ. I assume that there are families who do not even live near available roads. I assume that. Is that true?

MR. MULL. That's true.

COMMISSIONER RUIZ. Now, I also understand that we have one ambulance, to cover a million acres, which is available during the daytime only. Is that correct?

MR. MULL. Well, our reservation, you know, the community itself, we have two communities—San Carlos and Bylas. And we live close. We are not spread out, you know, like some other Indian reservations. Like the Navajos, they're spread out.

COMMISSIONER RUIZ. I see.

MR. MULL. But San Carlos Apaches are different. San Carlos itself is in one location, its community, and Bylas is 28 miles, which is another community. So we're not really spread out at all.

COMMISSIONER RUIZ. You're not spread out, and you have two communities, 28, 30 miles apart, and you have got one ambulance?

MR. MULL. That's right.

COMMISSIONER RUIZ. Are you happy with that because you're not spread out?

MR. MULL. Well, not with the ambulance services at all. We're not happy with them. We have asked for an additional ambulance, and the local here, Phoenix health area office, promised that they would have an ambulance for us. And about a month later Mr. Kitcheyan and his committee met with the local San Carlos Public Health Service, and he told us that one of the doctors there said, "No, we don't need an additional ambulance." But the Public Health Service here in Phoenix said, "You can have one, another one." We never got it.

COMMISSIONER RUIZ. No more questions.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. No questions.

COMMISSIONER FREEMAN. Thank you very much, gentlemen. You may be excused.

MR. MULL. Thank you.

COMMISSIONER FREEMAN. Our next witness is Mr. West Anderson.

Will you remain standing? Will you raise your hand?

(Whereupon, Mr. West Anderson was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. WEST ANDERSON, VICE CHAIRMAN, WHITE MOUNTAIN APACHE TRIBE

COMMISSIONER FREEMAN. Mr. Powell.

MR. POWELL. Mr. Anderson, please state your name and position for the record.

MR. ANDERSON. My name is West Anderson. I am the Vice Chairman of the White Mountain Apache Tribe.

MR. POWELL. On what tribal committees do you serve?

MR. ANDERSON. I serve on, talking about committees, the forestry committee and several others. But my regular job is full-time job as the vice chairman, so I am involved in practically all the committees on the reservation.

MR. POWELL. You are also on a community action project committee are you not?

MR. ANDERSON. Right.

MR. POWELL. You have lived on the Fort Apache reservation all your life, have you not?

MR. ANDERSON. Right, born and raised on the reservation.

MR. POWELL. How would you evaluate the health services provided by the Indian Health Service facility on your reservation?

Mr. Anderson. I believe we have made lots of improvements in the past years, but still there is need for more improvements. We have a service unit there on the reservation, and doctors, nurses, facilities are good, but, like I said, I think that there's need for more improvements.

Mr. Powell. What about the frequent changeover of doctors? Is that a problem?

Mr. Anderson. Yes, sir. We have a problem similar to the San Carlos Apache tribe.

Mr. Powell. What is the name of the Indian health facility on your reservation?

Mr. Anderson. Fort Apache Indian Reservation. The rotation of doctors every other year is our problem, because we have people that would like to stay with their doctor, particular doctors that come, and then by the time they get used to it and the doctors themselves get used to the particular family's medical records, then they have to go again. So I think that this should be improved.

Mr. Powell. Once a doctor gets familiar with a patient's problem, he moves on and a new doctor unfamiliar with that problem comes on?

Mr. Anderson. Right. That's true.

Mr. Powell. Tell me, do patients have to wait a long time at Fort Apache Indian Health Service facility?

Mr. Anderson. That's right. They have to wait regardless whether they are in pain or not. And we have checked into it, and the Public Health Service tells us that they are understaffed due to lack of funding in some cases.

Mr. Powell. Does the personnel at the Indian health facility attempt to engage in a mechanism whereby people with more serious problems do not have to wait and are treated? In New Mexico, for example, we heard that was done at one facility. Is that done at Fort Apache reservation?

Mr. Anderson. I believe they are working on it, because we have our tribal health committee that has been meeting with Public Health Service on the reservation.

Mr. Powell. Do Indian people who feel they have serious problems often feel that those problems aren't treated and they merely get an aspirin and are sent home?

Mr. Anderson. Right. We have numerous cases like that where our people go to the hospital and receive just pills.

Mr. Powell. Does this make them reluctant to go to the Indian health facility then?

Mr. Anderson. Well, a very few are reluctant, and those few that have a little money go to an outside hospital that is about 35 miles away.

Mr. Powell. Is that an Indian Health Service facility?

Mr. Anderson. It's a non-Indian hospital.

Mr. Powell. Do they have to pay or do they get—

Mr. Anderson. Right, they have to pay. And a good majority of the patients on the reservation go to the public health hospital because they, like I say, can't afford, you know—

Mr. Powell. Is there an Indian advisory board for this facility?

Mr. Anderson. This off-the-reservation facility?

Mr. Powell. No, the facility on the reservation.

Mr. Anderson. Yes, we have a health committee, as we call them on the reservation.

Mr. Powell. Do they endeavor to correct some of these problems? And are they having much impact?

Mr. Anderson. Not much impact.

Mr. Powell. Do you have any examples of the kinds of treatment tribal members receive from the Indian Health Service clinic, the bad cases?

Mr. Anderson. Yes, we have one of the cases where last summer an Indian, young Indian boy, 23 year old, and a bunch of other boys went down swimming, and the boy got injured down during their outing, and he went to—

Mr. Powell. How was he injured? Do you have any information as to how he was injured? He was swimming, but what happened? Do you know?

Mr. Anderson. I believe it was the hospital's job to find out. But anyway, he went to the hospital, and he was told that he was all right, and the boy complained that he was sick up in his head.

And then one day he came in to my office and sat there, and he was—I'm not a doctor—but he was very sick, looked pale and weak. So I told him, "Go to the hospital immediately. You're very sick."

Mr. Powell. Had he been to the hospital already when he saw you?

Mr. Anderson. Right.

Mr. Powell. He had been once and you sent him back again?

Mr. Anderson. Right. So he told me that, "I have been there several times and all I have been getting is pills."

And then he went that day back, and he asked me to call his boss at our tribal sawmill, that he's on sick leave. So I did. And then next day he went back again, and that day the doctor told him that he was all right.

Mr. Powell. This was the second time?

Mr. Anderson. Yes. Written a note. And then he died the same day. So this was shocking to the supervisor at the sawmill that a note was written.

Mr. Powell. Our inquiry into the matter suggests that the young boy attended the hospital three times.

Mr. Anderson. Yes.

Mr. Powell. And that he arrived at the hospital on the third occasion dead.

Mr. Anderson. Yes.

Mr. Powell. Was there an autopsy taken of the body of this young man?

Mr. Anderson. I do not remember, but the parents, I'm pretty sure the way they talked, would not allow that, because the thinking of the Indians is that the body shouldn't be bothered, and it would be pretty hard to convince the parents, Indian parents, to have an autopsy.

Mr. Powell. I'm sorry. What was the last thing you said about the autopsy again?

Mr. Anderson. The thinking of the Indians, I said.

Mr. Powell. Often autopsies are necessary, and I believe that we will hear testimony later that an autopsy was in fact taken.

Was there another case, similar, comparable case?

Mr. Anderson. Yes, there's another young girl that was taken there to the local hospital several times. All she was given was some pills. And then later on a shot. And the doctor was notified that the girl got worse after she started receiving shots. And for 4 days she was getting shots. The mother—

Mr. Powell. What were her complaints when she went to the hospital?

Mr. Anderson. Well, she was a 6-month-old girl so it was pretty hard to tell, you know.

Mr. Powell. I see.

Mr. Anderson. So anyway—

Mr. Powell. I beg your pardon.

Mr. Anderson. The mother was saying that the baby got worse after—when she started receiving shots. So the doctor said at the hospital that, "Well, she's just complaining about the little diarrhea," some diarrhea.

So the fourth day she was taken up to an outside hospital. By that I mean off the reservation, non-Indian hospital.

Mr. Powell. Private hospital?

Mr. Anderson. Yes, private hospital. And there immediately the doctor said, "That girl is very, very sick." So immediately they took her blood test and they found out that she was allergic to the penicillin shots. She had a bad diarrhea and had pneumonia—three altogether.

Mr. Powell. What happened to the child? What did they say would have happened to the child had she not been—

Mr. Anderson. The child would have died shortly after. But she made it all right. The medicine was purchased and a shot—

not a shot, but a medicine—and had appointments from there on. And she made it.

MR. POWELL. Now, the parents of this child, because they had sufficient funds, were able to go to a private hospital?

MR. ANDERSON. Right.

MR. POWELL. But in case of most Indians they would not have had the money to do this? Is that correct?

MR. ANDERSON. That's what I maintain. Few people do this. And a good majority of the Indian people don't have any choice.

MR. POWELL. Is there anything the tribal government can do to remedy or improve the situation of the Indian Health Service? What kind of control or authority do you have?

MR. ANDERSON. Well, we go to the health committee and also to the tribal council and try to talk through these people to public health people, but it seems like we're up against a brick wall. And their main excuse is that they are understaffed and lack funding. This is the thing. And when the man tells us that, it's pretty hard—

MR. POWELL. Certainly they need more funding.

MR. ANDERSON. Right.

MR. POWELL. I'm sure that is one of the things we are going to be looking into. Do you have any other suggestions?

MR. ANDERSON. Yes. We have—Suggestion you said? No, I don't have any suggestions at this time.

MR. POWELL. One of our staff members wants to know are you informed of the case of the 8-year-old daughter of Felix Clay who was sent home from the White River Hospital with a temperature of 103 and history of epilepsy?

MR. ANDERSON. I have heard—

MR. POWELL. Later she died in intensive care at Good Samaritan Hospital in Phoenix. Are you familiar with that?

MR. ANDERSON. I'm not familiar with that but I—

MR. POWELL. This is the kind of thing you hear?

MR. ANDERSON. Yes. There's numerous cases like that.

MR. POWELL. Mr. Anderson, approximately what is the employment rate on your reservation—the unemployment rate, rather, on your reservation?

MR. ANDERSON. At least 50 percent.

MR. POWELL. Fifty percent?

MR. ANDERSON. Yes.

MR. POWELL. In excess of 50 percent?

MR. ANDERSON. Yes.

MR. POWELL. What sources of employment are there for members of your tribe, Mr. Anderson? What sources of employment are there?

MR. ANDERSON. We have timber resources, cattle industry.

Mr. Powell. Did your tribe at one time have a contract with the Southwest Lumber Company?

Mr. Anderson. Right.

Mr. Powell. What was your experience under that contract?

Mr. Anderson. We had contracts, several in the past, with the Southwest Forest Industry, and the one particular contract that was written up in 1948, I believe it was—it's a 25-year contract—and in that contract it is written up where the stumpage price was kept.

So recently—or not recently—several years ago—where the company was paying far less for stumpage, and at our tribal-owned sawmill we were paying about twice as much—

Mr. Powell. You entered into a contract with the Southwest Lumber Company in about 1948—

Mr. Anderson. Right.

Mr. Powell.—and the price for stumps was $7 at that time?

Mr. Anderson. Something like that.

Mr. Powell. And during the course of that contract the cost of stumps went up but there was no provision in the contract to take care of that?

Mr. Anderson. Right.

Mr. Powell. Meanwhile, your own tribally-owned lumber company was paying much, much more?

Mr. Anderson. Right.

Mr. Powell. $25? $47?

Mr. Anderson. Yes.

Mr. Powell. Eight times more?

Mr. Anderson. Right.

Mr. Powell. Then what happened?

Mr. Anderson. Then the contract—Good thing it terminated, expired.

Mr. Powell. Did the Bureau provide you with any assistance in making a clause that would take into account the increase in stumps? What was their role?

Mr. Anderson. Their role wasn't much as far as I'm concerned.

Mr. Powell. Aren't they in their technical assistance obligation to you—Shouldn't they advise you as to what kind of leases you should enter into and advise you about cost of material increase provisions?

Mr. Anderson. Right. But—

Mr. Powell. That wasn't done in this case?

Mr. Anderson. I don't believe that was done, because it was obvious the way the contract was written.

Mr. Powell. And for that reason you refused to renegotiate a contract with that company? Is that correct?

Mr. Anderson. Right. And also we built our own sawmill.

That was one of the main factors that we decided to do, to process the timber, our staff.

Mr. Powell. How is your sawmill doing? Okay?

Mr. Anderson. Our sawmill started in 1963, and three managers had been fired at the start, and with all the Bureau technical help they didn't do much, because the record shows that we went way, way down in the hole.

Mr. Powell. Because the Bureau did not provide you assistance?

Mr. Anderson. Yes, even though they were supervising.

Mr. Powell. You say they had three managers fired—did you say?

Mr. Anderson. Yes, three different managers had been fired. But still we were going down.

Mr. Powell. Okay.

Mr. Anderson. So the council got together, and they wanted to hire their own man, a private lumberman, and he's non-Indian. They hired him, and immediately he went to work—

Mr. Powell. The tribe hired him?

Mr. Anderson. Yes. The tribe, yes. And then immediately the tribe recovered from financial losses.

Mr. Powell. In other words, without having the involvement of the Bureau you were able to do better?

Mr. Anderson. Right.

Mr. Powell. I see. During the tenure of this contract with Southwestern Lumber Company, was that company under any obligation to provide employment opportunities for tribal members?

Mr. Anderson. Right. I'm pretty sure it was written in their contract to have the Apaches on the reservation employed.

Mr. Powell. Did they live up to that obligation? More or less?

Mr. Anderson. I don't believe so, because as an example, when this 25-year contract expired, just prior to that, they had around seven Apaches employed, and during that termination, expiration date coming up they immediately hired 30, somewhere in the neighborhood of 30, because they know that they will have to negotiate with the tribes.

Mr. Powell. What justification did they give for not hiring Indians—the Southwest Lumber Company. What reason did they give? What excuse did they give for not hiring Apache members? Did they talk in terms of qualifications?

Mr. Anderson. Well, during my time in office we didn't negotiate with them. This was several years ago. But I'm pretty sure they would say the Apaches do not have the skills that are required. I'm pretty sure this would be their words.

Mr. Powell. In view of the experience of your tribally-owned lumber company, would you say that the BIA experts unnecessarily try to control tribal management to the detriment of the tribe's interest? Is that—

MR. ANDERSON. Yes.

MR. POWELL. In your opinion, does the tribe's experience with its lumber operations prove that private industry is wrong in its assertions that no qualified Indians are available to fill the higher paid positions in lumbering?

MR. ANDERSON. Would you repeat that?

MR. POWELL. In view of your tribe's experience with your own tribally-owned lumber company, would you say that private companies are wrong when they say that there are no qualified Indians they can find for the better paying positions in lumbering?

MR. ANDERSON. Right. We have done it, and we have proven that the Indians on the reservation, if they are given a chance, can prove that they can learn.

MR. POWELL. With respect to private construction contractors operating under BIA contracts, is it your view that Indians have been adequately employed by such private contractors?

MR. ANDERSON. No. Again, we come against the union contract similar to San Carlos.

MR. POWELL. Do you feel that the BIA makes any efforts to review contractors and put pressure on them to improve their hiring and promotion policies for Indians? Does the BIA get involved with respect to what private contractors are doing?

MR. ANDERSON. I don't believe so, because not too long ago we had a private contract to build a road, a community road, about 12 miles, and not a single Apache worked on that project.

MR. POWELL. Have you told the Bureau about some of these problems?

MR. ANDERSON. Yes.

MR. POWELL. What has been their response?

MR. ANDERSON. Their response is like the Public Health Service —not enough funding.

MR. POWELL. Not enough funding?

MR. ANDERSON. Not enough funding.

MR. POWELL. I have no further questions, Madam Chairman.

COMMISSIONER FREEMAN. Mr. Anderson, is it correct that perhaps the Bureau may be administering some contracts that may be HUD contracts or other agency contracts?

MR. ANDERSON. Yes. We had that with the Bureau here not too long ago, but now we are—the tribes are—doing the thing themselves. We have a tribal housing authority, and it all consists of Indian people on the reservation.

COMMISSIONER FREEMAN. And in those cases, then, the tribe would be contracting and negotiating directly with the Department of Housing and Urban Development?

Mr. Anderson. Right.

Commissioner Freeman. Commissioner Ruiz?

Commissioner Ruiz. I have no questions.

Commissioner Freeman. Mr. Buggs?

Mr. Buggs. Mr. Anderson, if the tribe can carry on and execute contracts with HUD for housing and with whomever for the exploitation of your own natural resources, can you not do the same thing for health services?

Mr. Anderson. I'm pretty sure we can do that.

Mr. Buggs. What would happen if the tribe had all of those doctors and the hospital staff reporting to the tribe for their stewardship rather than to somebody in Washington or to a regional office?

Mr. Anderson. I think this type of arrangement would be much, much better.

Mr. Buggs. Thank you.

Commissioner Freeman. Thank you very much. You're excused.

This hearing will be in recess until 3:10.

(Whereupon, a recess was taken.)

Commissioner Freeman. Will the hearing come to order?

We would like to call as our next witnesses Dr. Charles McCammon, Director, Phoenix Area Indian Health Service, and Dr. James Erickson, Service Unit Director, Phoenix Indian Medical Center.

Will you remain standing?

(Whereupon, Dr. Charles McCammon and Dr. James Erickson were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF DR. CHARLES McCAMMON, DIRECTOR, PHOENIX AREA INDIAN HEALTH SERVICE, AND DR. JAMES ERICKSON, SERVICE UNIT DIRECTOR, PHOENIX INDIAN MEDICAL CENTER

Commissioner Freeman. Thank you. You may be seated.

Mr. Powell.

Mr. Powell. Would you each please state your name and address and occupation for the record?

Dr. McCammon. Dr. Charles S. McCammon, 5313 East Osborn Road, Phoenix, Area Director, Phoenix Area Indian Health Service.

Dr. Erickson. James H. Erickson, M.D., 4808 North 34th Place, Phoenix, Director of the Phoenix Indian Medical Center and Phoenix Service Unit.

Mr. Powell. Dr. McCammon, as area director you have overall supervisory responsibility for the medical services which are obtained at the Indian Health Service in this area? Is that correct?

Dr. McCammon. That's correct.

Mr. Powell. Dr. McCammon, the material, the data compiled in connection with our demographic staff paper showing the situation in New Mexico and Arizona indicates that although American Indians have one of the highest birth rates of any racial group, the life expectancy of Indians is well below that of other Americans. Is this so in the Southwest?

Dr. McCammon. That is very definitely so.

Mr. Powell. Would you please explain why this is so?

Dr. McCammon. Well, first of all, the infant death rate the first year of life is definitely much higher, almost twice as high as the nation as a whole. However, the death rate of Indian infants during the first month of life is comparable to that of the rest of the country, and during the first week of life is better in many places and is better than the Southwest States.

Now, this is due to the fact that most all the Indian babies are born in a hospital, that there is a hospital birth. The high infant death rate occurs after the child goes home into an inadequate house, in very severe climates, and in overcrowding, and in the families that are often handicapped for lack of food for proper nourishment.

So that it is the harsh environment and the socioeconomic conditions of the family that put that newborn at high risk, so that the infant deaths from the enteric diseases, the diarrheas and dysenteries and pneumonia are related very directly to the environment.

Mr. Powell. Are there any steps that the Indian Health Service can take to deal with this problem?

For example, we have heard it said that the Indian Health Service focuses more on curative and doesn't pay enough attention to preventive medicine.

Dr. McCammon. Well, certainly the volume of our effort or the volume of our workload is the people who are acutely ill. There is a great deal of work done in preventive health, and I think the preventive health effort which is probably having the greatest long-range impact on the health of people like the new Indian infant is in sanitation of Indian homes, in water and waste disposal.

We started this program 10 or 15 years ago. However, it has been enhanced by the fact of the program of HUD and the Bureau of Indian Affairs home improvement program and other housing programs for the tribes, so you can find new, improved, homes with improved water supply and along with the general improvement in economy, and on many of the reservations you are seeing a marked change in health conditions.

I think we do have a preventive health program of home visiting of professional nurses, public health nurses, health education program, and the program that is noticed in the Indian

Health Service which you have probably heard about is a tribal program, funding through a contract with the Indian Health Service, and that is the community health representatives.

And these people are involved in both health education representing their people and their problems to us and trying to explain the modern medicine practices to their families to assist them to get into a hospital or to a clinic and to act as a spokesman for them in many cases if they have to go off reservation to a contract physician or hospital.

MR. POWELL. Are there enough financial resources being devoted to this problem? Each year that there's insufficient funds, more and more Indians are not going to have life expectancy comparable to other Americans, and more and more Indian children are going to be dying during the first year of life. Are there adequate resources being provided?

DR. MCCAMMON. No, there definitely isn't. I think you have heard reference from representatives from two reservations who spoke about the staffing of their hospitals. Very recently we were asked to do a staffing table for GAO that was doing a preliminary to a survey for a general audit of our operation. And using hospital staffing criteria as presented by the American Hospital Association, overall, we were deficient around 35 percent in the staffing of our hospitals.

Now, the particular hospital that Mr. Anderson was talking about has around, a little over, 60 people, and using that criteria, they needed over 80 more people to come up to comparable—

MR. POWELL. They had less than half?

DR. MCCAMMON. Less than half of the people to be comparable to community standards in staffing the hospital.

MR. POWELL. You make requests for funds, don't you?

DR. MCCAMMON. We place the requests for funds, and these are also endorsed and supported by our area health board.

MR. POWELL. Well, what kind of requests for funds have you been making say during the last 3 or 4 years? Can we have those requests—make them a part of the record?

DR. MCCAMMON. Yes.

MR. POWELL. Have you been requesting more funds?

DR. MCCAMMON. What we have been doing is program packages, one related specifically for staffing for quality of care which indicates the basic minimum increases that we need, and the various program elements have been identified in these program packages in the budgets that we submit to Washington.

MR. POWELL. Dr. McCammon, another problem continually brought to the attention of Commission staff involves mental health conditions, evidenced by high suicide rates and alcoholism rates. How would you assess this problem in Arizona? And what is the Indian Health Service doing to overcome it?

Dr. McCammon. Well, this, of course, is the most active new program in Indian health. I think the exciting thing about the alcohol program is that all the tribes in this area have an alcohol program that they are managing themselves through other than Indian Health funds.

There are some—in some cases a supplemental contract from the Indian Health Service.

So the tribal people themselves have identified alcohol, and they have identified it as a health problem, and so that our mental health people are working with them on this.

Now, in all of our— Three service units do not have professional mental health workers. They all have either professional workers or mental health technicians who have received specialized training, and they are working with the rest of the Indian Health Service staff as well as with the tribal programs and community health representatives and the alcohol program in attacking these problems.

Suicide is a real problem on some of the reservations, and our people tell us that this is undoubtedly due to people caught in transition between one culture and another feeling that they have lost one world and they don't belong or aren't accepted in the other.

Sometimes, the outsider who might visit some of these reservations that have a very high suicide rate, would think that that reservation had a lot going for it. You'd see more new housing. You'd see small businesses and job opportunities. And yet when you look at a problem like suicide it would be four and five times the national average.

So that this is the best reason that I have heard, and it is one that generally that the tribal leaders themselves present as part of the reason for high suicides—the frustrations of making a transition and trying to compete in the dominant society.

Mr. Powell. You mentioned that you didn't have enough professional mental health workers. Have you made requests specifically for funds to fill slots so that you'd have an adequate number of professional mental health workers?

Dr. McCammon. Yes. That is in our program plan.

Mr. Powell. Dr. McCammon, what to the best of your knowledge is the State doing to overcome some of these problems of alcoholism and suicide?

Dr. McCammon. At least in three reservation areas where there are State mental health programs, their staffs have been working with our staff and with the tribal groups. Indians are accepted in the mental health clinics in those areas, and then, in addition, we have been able to supplement the mental health clinics by using the State and local staff under supplemental contracts from us to come into the reservation and to conduct community mental health clinics.

Mr. Powell. Dr. McCammon, what is the nature of the Indian Health Service responsibility to serve the health needs of urban American Indians? Does the responsibility differ depending on the status or residence of the Indians?

Dr. McCammon. Well, if I may, I think we have had several terms and words expressed here—

Mr. Powell. Please clarify the record.

Dr. McCammon. —and I'd like to try to clarify it.

I'd like for us in the discussion to disregard "on or near reservation" because I think philosophically, and the way our policy is set up in the Indian Health Service, we talk about eligible Indians and not geographic locations of where they—

Mr. Powell. You talk about what kind of Indians?

Dr. McCammon. We talk about eligible Indians.

Mr. Powell. Eligible Indians?

Dr. McCammon. Eligible Indians. And not necessarily where they live—until we get down to the gruesome, embarrassing bind of setting priorities. And then we do give preference to reservation Indians because—and this is what I'd like to correct for the record—I do not think it is the intent of Congress to exclude urban Indians. I think our interpretation is the intent of Congress to provide special services to reservation Indians.

Mr. Powell. Regardless of where they live?

Dr. McCammon. That's true.

Mr. Powell. But then your categorization, your priority, turns not on eligibility but on funding?

Dr. McCammon. That's correct.

Now, there was a period in our old Indian hospital here in Phoenix when there was no obstetrical service. This was all under contract with one of the community hospitals. The hospital was too small, not desirable for obstetrical service. So this went on contract.

And during that period of time the residents in Phoenix, the Indian people who lived off reservation, were excluded from those services because they were considered out of priority and the money was not available.

That did not exclude them from going to Sacaton, which was 40 miles from here, to receive hospital services for delivery at the Indian Health Service hospital.

So that there is in the priority basis a distinction made between people who reside on reservation and the people who reside off reservation—not as far as eligibility, if they are a member of one of the tribes, bands or groups that still have a special Federal relationship.

Mr. Powell. In view of the fact that this health care, like other items brought up by the Government, are items which the Government is obliged to provide under treaty and under legislation, is that carrying out the responsibility of the Federal Government as it should be?

DR. MCCAMMON. You know, one of the frustrating things I think to a health professional is trying to understand the discretionary authority of the Federal Government in Indian services.

I think if one looks at treaties—I don't want to get in debate on treaty rights and what not— I don't think treaty rights really spelled out what was due individuals for health. I think it's all based on the intent of Congress that over the years as the program evolved— of what Congress has wanted to do for Indian people and special services that have been identified.

It's an entirely different picture now of what Congress is identifying than when I came in the program in 1948.

MR. POWELL. It has been testified that to some extent Indians are not freely admitted to municipal and county hospitals. What is your view as to the responsibility of these municipal hospitals to provide services to Indians, whether they be on or off the reservation, who come to seek such service?

DR. MCCAMMON. Well, not having any specific examples that I know for a personal fact, I prefer not to make a statement on it. I have heard evidence, I have heard statements made—

MR. POWELL. Dr. McCammon, I think you misunderstand my question. I'm not asking you to give any information on facts. I'm just asking you in principle.

Assuming that there are Indians living in the urban areas, as there are, who go to municipal hospitals to seek service, and assuming further that on occasion these municipal hospitals deny them that service, are they conforming with their obligations to residents in that area who are Indians?

DR. MCCAMMON. Certainly not, as long as the Indian is similarly circumstanced to anyone else that is eligible to receive care there. They have no legal right in my mind to deny services.

MR. POWELL. What would you say should be the solution to that kind of problem where municipal hospitals do not treat Indians on the same basis as other similarly situated non-Indian citizens who live in that area?

DR. MCCAMMON. Well, I think the Indian people with proper spokesmen and with the Indian Health Service playing an advocacy role—and this was one in this county 10 or 12 years ago—should pursue this, and, if necessary, even pursue it through the legal counsel of the Department of HEW.

I think, you know, we have had a real major change in situation with the opening of our new Phoenix Indian Medical

Center here. And as has been already presented, the majority of Indian people seem to want to go to an Indian hospital.

Now, whether the individual Indians who have been transferred from one of the hospitals or the county hospitals or public hospitals here, who have been transferred to the Phoenix Indian Medical Center, have been transferred against their will I do not know.

But in public meetings like this the Indian people have told us they want to go.

So that there has undoubtedly been a dropoff on utilization of county hospital since the opening of the new Phoenix Indian Medical Center, which has not helped our situation particularly.

Mr. Powell. Dr. McCammon, the Commission has been supplied with information indicating that although Indians provide a significant percentage of the overall employment makeup of the Indian Health Service, that by and large they are concentrated in lower-level positions. For instance, in Arizona, about 80 percent of all Indian Health Service employees who are GS level are GS–1 through GS–4, while only 13 percent of the GS–9 through GS–11 level are Indian. How do you account for this situation, particularly in light of the fact that, as I understand it, you operate under the Indian preference clause which gives preference to qualified Indians in both initial hiring and promotion. Isn't that true?

Dr. McGammon. That's correct.

Mr. Powell. How do you account for the relative dearth of Indians—

Dr. McCammon. There are two major reasons, and I do have current—the past 3 months—employment records by grade classification, by sex and race, and I'll be happy to submit those for the record.

Mr. Powell. Please do.

(See Exhibit No. 5 for the information mentioned.)

Dr. McCammon. First of all, in the lower grade categories, where a technical skill is not required, we rarely, if ever, even consider a non-Indian. In other words, on the reservation where a professional or a technical skill is not required, we just don't even consider anyone but Indians, because these are local hires.

We move in, then, to the technical and the professional category, and we do not have a manpower pool of Indian employees in the health professions. I think the Indian people themselves, their tribal leaders, have stated a strong desire to see their young people get educational opportunities and to go into the health professions.

You had reference to the graduate school for Indians. There's actually two schools, University of California at Berkeley and the University of Oklahoma, that have a graduate program for Indians to give them graduate-level training in health management and instruction.

We have an interesting situation in the management level. It's no excuse. I mean we're not happy with the percentage of Indian employees we have in our operation. But when we get into the management level area, there's a very, very highly competitive field for Indian managers, and between the Bureau of Indian Affairs and Indian Health Service, the Indian organizations, other groups—these young Indian managers are greatly in demand.

We do have in our office four young Indians in career development, as managers. But this is a —The real shortage— The health professionals and the manager, the managerial level, are the real shortage category that we have in Indians.

Mr. Powell. Well, have you been in touch with your superiors in the Indian Health Service or your counterparts in the BIA to the end that steps should be taken to see to it that educational opportunities will be provided to Indians, that there will be a pipeline which eventually will begin to turn out Indians who will be able to fill these positions of technical, medical, and managerial positions?

Dr. McCammon. Yes, we have. Actually, we have set up one program of our own here in Phoenix, and that is taking Indian licensed practical nurses while they are employed and working in the Phoenix Indian Medical Center, to support them in a scholarship program at one of the community colleges so that they can get an R.N. degree at the end of 2 years. And, of course, the scholarship program applying within the whole Indian Health Service is very closely coordinated.

And we have recently had contact with the Bureau of Indian Affairs. I don't think that we have had as much day-to-day contact with the Bureau of Indian Affairs' scholarship program as is desirable. Where we usually get involved is when we have identified or an Indian youth has been identified to us that needs assistance, and then we try to provide him some help and knowledge of places to go.

Mr. Powell. Dr. McCammon, turning now to some of the earlier testimony, you heard the testimony regarding the young Indian youth who had been swimming and who had sought medical attention at one of the health facilities for which you have supervisory responsibility. There was another instance of a young child being brought to a facility and not being treated, given penicillin shots, when according to a subsequent investigation that was contraindicated, and where the doctors said that had they not gone to other than Indian Health Service doctors in this instance the child would have died.

Would you care to comment on any of that?

Dr. McCammon. Only to the degree that with the workload pressures in our hospitals where a doctor may have only 1 minute per patient to get through the day, he's not going to do the type of examination that he needs.

Mr. Powell. One minute per patient?

Dr. McCammon. In some cases the workload in the day's time for a physician to get through the day will have 1 minute, 2 minutes, 3 minutes, never any desirable time to—

Mr. Powell. Don't you have sufficient staff that by the time that a doctor sees a patient that patient has been worked up by regular R.N.'s and—

Dr. McCammon. We have people in situations that are screening people trying to identify the ones who are acutely ill, but we do not have a pre-examination of the type that you're talking about where we do have a program of training community health medics, physician assistants, who will be doing that. We have other physician extenders trying to save the time of our physicians who are not diagnosing but are taking the chronic patients and following them, the ones that need medication.

Mr. Powell. Let me ask you a question then. In the Indian Health Service, what level of medicine does it practice? What quality of medicine does it practice? Is it an emergency facility which can only handle emergency cases and where there are cases which require more than that do you refer it to private hospitals for long-term care? Or—

Dr. McCammon. I think for the most part in the majority of our facilities our physicians are doing episodic care. Because of the workload and pressures and beds available, they are examining for the current presenting illness and treating that and moving on to the next, and there is not in most places time for a comprehensive patient workup.

Mr. Powell. Can they provide adequate medical service if they focus on the episodic symptom and don't at least identify problems which require further attention and then refer them to those hospitals which have contract care and which can deal with that problem?

Dr. McCammon. Well, all of the major problems that are —major problems for diagnosis or major problem for care— we do have funds for referral of those to contract facilities.

Mr. Powell. But are you exercising the things necessary to see to it that Indians who come to you and who need that—

Dr. McCammon. Well, in the example of White River Hospital in the case that was discussed this afternoon, we average about 40 to 50 patients moved from there to Phoenix by air each week, so that—

Mr. Powell. Phoenix is where the contract care facilities are?

Dr. McCammon. This is the metropolitan— this is the medical center area. And I say Phoenix. That does not necessarily mean that Phoenix Indian Medical Center. It may be the Phoenix Medical Center for routine surgery. It may be to St. Joseph's Hospital for neurosurgical workup or one of the other hospitals that have a highly-specialized service that we do not have in our medical center. And there is a routine transportation setup between all of our reservations and Phoenix.

Mr. Powell. In New Mexico, in talking with your counterpart in the Albuquerque area, we heard testimony regarding a so-called elective procedure. That is to say, if the patient needed surgery for glaucoma or a hernia but it wasn't absolutely required that moment or that week or that month or that year, that that patient's need was deferred and that conceivably that need could be deferred over a number of years and the patient could conceivably become very chronically ill and die and the patient would never be served.

Your counterpart said that he didn't consider that good medical practice and it was only because of funding and he wouldn't engage in that if he could avoid it.

Do you have a similar— Do you operate under similar constraints here?

Dr. McCammon. We do, but I think for the most part, having our own medical center here in Phoenix, that we do not have a significant backlog of elective surgery.

We do have a backlog of elective procedures like orthodontic care for correction of teeth and mouth problems, for corrections, elective surgery, for cosmetic effect. But for the most part needed surgical procedures are generally taken care of without any great problems. I mean there may be a backlog, a delay from a week to a month to the next quarter, but within a year's time I think we have done very well on those major medical problems.

Mr. Powell. You don't have that problem here, but—

Dr. McCammon. Our delay is— in priorities is— in dental care and cosmetic and maybe some major corrective orthopedic type work that doesn't fall within the crippled children's program.

Do you know of any, Jim?

Dr. Erickson. I don't.

Mr. Powell. Dr. Erickson, what are the principal problems— We understand that you are— What again?

Dr. Erickson. Director of the Indian Medical Center here in Phoenix.

Mr. Powell. What are the principal problems facing Indian Medical Center?

Dr. Erickson. I think if I had to list the two principal problems that face us it's those that Dr. McCammon and others have already stated, and that's the combination of staffing and funding which of course go hand in hand.

I think when the Indian Medical Center was programmed and built, nobody ever dreamed of the growth that we would see. And our outpatient load has indeed more than doubled since we moved from the old campus into the new medical center without the concomitant rise in staff to handle that load, although we are still handling the load, and I'm amazed that the boys do as well as they do.

MR. POWELL. Dr. Erickson, we have heard several complaints both in our testimony and earlier investigation regarding the Phoenix Indian Medical Center. These include insensitivity on the part of staff, long waiting periods, lack of Indian confidence in the doctors because of the doctors' inexperience, particularly because of doctor turnover, and inadequate promotion of Indian employees. How would you respond to these complaints?

DR. ERICKSON. Well, let me answer first of all the insensitivity situation. I think this certainly has some cultural bearing, and I have been in this situation before, having been an adviser in a foreign country.

I think whenever you take a predominantly metropolitanized young individual and give him professional training within a city for anywhere from 8 to 12 to 14 years and then suddenly he comes face to face with a cultural background with which he is not familiar at all, you're going to have some communications problems.

I think that sometimes the individual receiving services— and this is not simply true in the Indian community— it may well be true in an Anglo-to-Anglo interface situation— where the physician may appear brusque because he is busy and he does have the next patient to get to if he's going to clear out that waiting room at the end of the day, so patients will have to wait at least as little time as possible.

He is going to appear to some, indeed many, as being too curt, not giving them time enough, and so forth and so on.

I have seen this in the private sector and in military medicine and now in the Public Health Service.

MR. POWELL. Do you think that orientation of professional staff about these cultural problems, identify what they are and education from the point of view of Indian— For example, we heard testimony in New Mexico that Indians felt that if you just asked them questions and diagnosed on the basis of oral discussion without touching them, physically touching the parts, that you weren't interested.

I mean, shouldn't that communication gap be tried to be reached by talking to doctors on the one hand about cultural problems and talking to Indians on the other hand about what the requirements are? Is that being done at all?

Dr. Erickson. That's being done. We have an orientation program for all new staff and particularly for new medical officers that lasts approximately the first 6 to 8 weeks of their service at the medical center, in which we go into many staff and policy situations, and along with that Indian culture.

I think one can only say that, you know, you can talk about this as much as you want to, but if you're not embroiled in it for a long time it really won't rub off that much.

I think that one can be in any different culture than his own for a long time before he really becomes fully aware of what the other people are saying to him. And, of course, we have the same problem at least for some of our staff that the field hospitals have in terms of relatively rapid turnover approximately every 2 years of the younger commissioned officer.

Mr. Powell. In this connection, is there any machinery at your hospital for Indian input, policy-making, a group that would be sensitive to these problems and stay on top of them and see that they are being met?

Dr. Erickson. Yes, we do. We do have at our hospital an Indian advisory board whose problem it is to represent the Indian desires and interest to us, to help us in our priority-setting, help us develop long-range program plans for our health programs, and also interpreting the Indian Health Service policies and procedures to the various people.

Now, we are in a little different situation here in Phoenix, in that we are not on a reservation with just one tribe. Probably somebody from every tribe in the United States probably is represented in Phoenix. But our major geographic responsibility is for the tribal group surrounding the city as well as those within the city, and we do have a tribal advisory board whose members are chosen from the reservations which we are responsible for, as well as the Indians living within the metropolitan area off the reservation.

Mr. Powell. Dr. McCammon, we have heard similar complaints— Just as we have heard complaints about the Phoenix Indian Medical Center, we have heard similar complaints about the facilities in the Phoenix area as a whole. Would you care to respond to them? The long waiting, the insensitivity?

Dr. McCammon. Yes, I'd like to. I can't very well avoid or pass up the opportunity to stick in a personal bias, totally subjective, that I have towards hospitals. That is, not just our hospitals but it's all hospitals. There seems to be an innate tendency to operate for convenience of the staff and not for the patient. And this is something that we try to cover in our orientation. In the reservation orientation of the new staff, the

Indian council, the board or the health committee is asked to conduct part of that orientation, to also take the people into the field and see the field, the homes, visit people in the homes.

In the past 2 years we, becoming rather discouraged on getting additional funds for additional people, have been taking a very close and hard look at the efficiency of our operation to see if we can do better with what we have. And without people, with some adjustments through studies of our outpatient department, we have come to realize that if we can come up with two examining rooms for each physician, if we can get a third of the people to participate in an appointment system, we can cut the waiting time to one-third or even one-fourth of what it was in the past by taking a look at our method of operation, even though we may not give any more time to that patient with that physician. There aren't any more physicians to go around, but we can cut down that patient's time in the waiting room by a more efficient and effective way of operating.

MR. POWELL. What about this question of control? What should be the proper relationship between the Indian Health Service on the one hand and tribal governments on the other? What should be the role of the Indian health advisory board?

DR. MCCAMMON. Well, in this area— and I think our area board is one of the oldest and most effective of all— we have taken the approach that we are working at a board of directors' level.

Now, on a reservation the authority, the total authority, for management of civil government and operation on the reservation is the tribe, and we are only charged by Congress to deliver health service, to conserve the health of the Indian people, to operate and manage health facilities. The authority for writing health codes and whatnot is in the tribe. So we have an ideal situation and a need for a partnership approach in planning and managing the health program.

Now, we have three tribes that currently are awaiting funding for an opportunity to set up their own tribal health authority and their own health departments. In this area something in excess of $3 million of funds are managed by tribes in health-related programs, people that are working in health-related programs, that are totally under tribal management, and I think this is the logical step for a tribe to take—first to start managing a community health program and eventually be prepared to say, "We'd like to take over and manage the program."

This is the objective in the Indian Health Service. There is not a timetable on it. It's the objective to be paced to the desires of the individual Indian tribe.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Dr. McCammon, how many health facilities are under your supervision?

DR. MCCAMMON. We have nine hospitals and two health centers, and I really can't give you the exact number of itinerant health stations which are not manned on a permanent basis.

COMMISSIONER FREEMAN. Would you tell us what is the total number of employees?

DR. MCCAMMON. It's slightly over 1,000. It's around—our ceiling, which of course for the normal turnover of people we have—is 1,160 people. Around 780 of those are working in the hospitals. The others are working in the community health program and the construction of sanitary facilities or health education, in mental health, and this sort of program operation.

We do have something over 100 people in our area office. Now, the area office does the housekeeping functions for the support of the hospitals, the personnel processing, procurement, classification, the procurement contracting for supplies, the management of financial accounts, and then the overall professional direction of the program.

COMMISSIONER FREEMAN. And you are the individual who is ultimately responsible for the supervision of these facilities?

DR. MCCAMMON. That is correct.

COMMISSIONER FREEMAN. Is it correct that the Public Health provides housing for its staff employees?

DR. MCCAMMON. We have a limited number of houses on the more isolated reservations. In communities like Phoenix, we do not have any housing, of course. But we do have quarters, a limited number, within the reservation communities.

COMMISSIONER FREEMAN. What is the total number of housing units that would be available for the employees?

DR. MCCAMMON. I do not have that figure, but if you'd like I'll be happy to submit it for the record.

COMMISSIONER FREEMAN. Yes, I would like it. We would need to have that information. But in addition to that, perhaps you would also give answers to the following questions:

The classification of the employee who is housed by the Public Health Service under the housing provided by the Public Health Service.

The number of such employees who receive such housing who are Indian, and the number that are not.

And whether or not the housing that is provided depends upon the job. What I mean by this is physicians, etc.

Do you understand what I'm talking about?

DR. MCCAMMON. Yes.

COMMISSIONER FREEMAN. Could you supply that for us?

DR. MCCAMMON. Yes, I can.

(See Exhibit No. 6 for the information requested.)

COMMISSIONER FREEMAN. In addition, we would be interested to know whether in a situation where you have described such a great need for physicians you are using the paraprofessionals such as physician's assistants. Are you?

DR. MCCAMMON. Yes. Of course, one of the two schools for training the community health medics is here in Phoenix at the Phoenix Indian Medical Center. And this is the second class that's in training there. We have three such students who are out in their second year as preceptors in this area. We have one other physician's assistant employed who was trained outside the Indian Health Service.

In addition, we have two Indian nurses, senior nurses, who have had additional training as pediatric nurse practitioners, and they are also acting as physician extenders. And we are, in addition, training many of our pharmacists to act as physician extenders in managing some of the chronic patients who are strictly on medication.

COMMISSIONER FREEMAN. Which of these classifications are Indians?

DR. MCCAMMON. The pediatric nurse practitioners and the community health medics are Indians.

COMMISSIONER FREEMAN. Is there any reason why Indians could not be trained to conform to the other classifications?

DR. MCCAMMON. Well, in the pediatric nurse practitioner we have deliberately selected senior Indian nurses to be trained for this. We really would not exclude a highly-qualified non-Indian if an Indian tribe supported and endorsed that individual for entering into the community health medic training. But we have given preference, and we have sought, and the first two classes have been, all Indian.

I understand that in recruiting—in the announcements that have gone out for the third class that one non-Indian applicant has come in with a local tribal endorsement that that individual be admitted and trained in that class.

Now, the pharmacists I know have only one Indian pharmacist. He's a commissioned officer. He has been in the career development program and is now acting as service unit director of one of our programs. But this again is one of the health professional categories that we need to entice, encourage Indian youth to seek education to enter that field.

COMMISSIONER FREEMAN. Dr. McCammon, throughout your testimony you have been referring to "we." I would like to know who is the "we" that you are talking about that determines the policy and the priorities.

DR. MCCAMMON. It's hard to say in which situation. In most of the cases I think when I have said "we" I have meant the Phoenix area. In some situations in talking about eligibility I meant the Indian Health Service, which has meant the management direction—

COMMISSIONER FREEMAN. Will you identify for the Commission those "we's" that include Indians at the point of the making of decisions on priority and policy?

DR. MCCAMMON. With the Commissioner's indulgence, I'd like to tell you what our board does in Phoenix because this is the type of decisions that they are making. They are setting the priority for contracts for community health representatives, the order in which we go to tribes to negotiate contracts with them for them to employ community health representatives. They are identifying the places that we need construction of Indian health facilities and then are placing them in the order of priority.

They have confirming authority on the selection of the area director, the executive officer, and the deputy area director, and within the past 2 years they have been given that opportunity.

Now, they moved into a program, of course, where we had established program and policies, a personnel system, and what not. But we recently moved into an area in which there is no Indian Health Service program policy or program plan, and that is a program for the aged and the handicapped, and our area board is the one that is working and is setting the objective and the policy for our area on what we should be doing and what we should be planning for in the care of the aged and handicapped Indians.

These are the types of the Indian decision-making that our board does.

COMMISSIONER FREEMAN. Would I be correct if I say that on the basis of your testimony and the testimony that we have heard before you that the Indian community does not receive adequate health services from the Indian Health Service?

DR. MCCAMMON. If I may respond on that in two ways—

COMMISSIONER FREEMAN. Speaking as a professional, as a physician.

DR. MCCAMMON. In my capacity I would say there is inadequate quantity of service. The quality of service I think is very good. I think we have had reference to young 2-year physicians. I think we have been extremely fortunate to have these young men. They are well trained, and they are bright, and they have a great deal of knowledge.

What they have been deficient in is experience, and experience of working with people and learning some of the art of medicine of working with people.

I think the quality of medicine is good, and I think it is far superior to what exists in most of the rural United States in comparable size areas.

It is not the quality of university medicine nor the quality of existing metropolitan area. And we are certainly deficient in the quantity of services.

COMMISSIONER FREEMAN. Would you agree that in making a professional evaluation that the judgment should be making the comparison on what it ought to be rather than comparing it with maybe an inadequate system elsewhere?

DR. MCCAMMON. That's correct, and I think the Indian Health Service in setting its objective several years ago made that decision, and it really was— Originally we set our objectives to raise the level of the Indian people to that of the people in the surrounding community, and we very quickly scrapped that, and we set our objective, our goal, for the Indian Health Service to raise the health of the Indian people to the highest level possible.

Frequently, the level of the health and the quality of care locally—locally around the reservation—is not an acceptable quality of care. And we have in this area one State, Nevada, where many of our Indian people, because they are scattered in small bands and colonies, receive essentially all their care from private purveyors of health services in the local very small Western community. And to say that they are receiving the quality care the rest of the people in that community are receiving is good enough is not correct, because we are satisfied that there needs to be improvement in the delivery of service to all those people in the community, and the Indians should be receiving a higher quality care than is available.

COMMISSIONER FREEMAN. So that we need to do a lot of improvement?

DR. MCCAMMON. That's right. Absolutely.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. Yes, I'd like to pick up some loose strings on the record that maybe we can fill in at this time.

It has been stated that there is some sort of a recruitment program for Indian talent, for paramedical training, at the University of Southern California. Do you know anything about that?

DR. MCCAMMON. No, I really wonder, Mr. Ruiz, if that wasn't—that really he meant the University of California at Berkeley. It may be an error in location. At least I'm not aware of one that is receiving special funding in Southern California.

COMMISSIONER RUIZ. You are aware of one that is receiving funding in Berkeley?

DR. MCCAMMON. Yes.

COMMISSIONER RUIZ. Do you have any direct connections with that particular setup? Are persons being recruited for you or for your setup?

DR. MCCAMMON. The school does the recruiting. We do have former employees who are in school there, and some of them are now back for field training from the first class.

We do have an obligation to find and place and effectively use those people when they graduate.

Now, these two schools as I recall are funded from the special fund that the President set up on Indian Health two years ago. There were funds from other than IHS but went in to support Indian health programs.

COMMISSIONER RUIZ. How many of these former employees are Indians?

DR. MCCAMMON. They are all Indians. They do not recruit anyone but Indians for those two programs.

COMMISSIONER RUIZ. And how many are there?

DR. MCCAMMON. There are 10 in each of the two universities, and—

COMMISSIONER RUIZ. Ten in how many universities?

DR. MCCAMMON. In the University of Oklahoma and University of California at Berkeley.

COMMISSIONER RUIZ. A grand total of 20?

DR. MCCAMMON. Twenty.

COMMISSIONER RUIZ. And how far along are they in this paramedical training?

DR. MCCAMMON. This is not paramedical training. This is graduate-level training. These are all Indian young people who have a college degree and for the most part are health professionals and are taking graduate instruction in such fields as health management, hospital administration, community health planning and management, and these types of things.

COMMISSIONER RUIZ. In the last year how many have come back to you?

DR. MCCAMMON. None have finished their course yet.

COMMISSIONER RUIZ. In the last 2 years how many have come back to you?

DR. MCCAMMON. Just the one course, sir. That's all that started. Now, we will start receiving some of these—

COMMISSIONER RUIZ. So that is projected in the future?

DR. MCCAMMON. We will start receiving these students within the next 2 or 3 months.

COMMISSIONER RUIZ. Now, there was another item that you mentioned—that there was $3 million being awaited by the three Indian tribes in order to set up their own control of certain health services. Along that line you mentioned $3 million. What is that? Where is this funding coming from?

DR. MCCAMMON. I think I need to correct this. We are talking about two different programs. Within this area, the Phoenix area, there's something over $3 million of health-related programs that are managed by the tribes. These may be community health, alcohol programs, a community mental health program, a home nursing program, a community health representative program.

Now, the second program, we have three tribes who have written proposals and said they are ready and recognize the need for and desire to have a health manager to pull these fragmented programs that are now in their tribes together under experienced head and they would like to call that a tribal health department.

COMMISSIONER RUIZ. To what agency is that proposal being directed?

DR. MCCAMMON. That proposal is in to the Indian Health Service, and in this year's appropriation there was a little over $600,000 appropriated to support these types of operations on a demonstration basis.

COMMISSIONER RUIZ. What are the technical skills that could be utilized that do not require, let us say, 2 years of schooling? Taking a blood pressure? Injections? Taking of pulses? That doesn't require 2 years of schooling?

DR. MCCAMMON. No, most of our nurse assistants have had no formal training. They have been trained on the job, and they do take blood pressures and weight and temperatures.

For the most part, we have not trained individuals for giving injections of medicine unless they have finished at least the practical nurse training school. And that is considered a professional nurse category. That is a 2-year school, however.

Our community health medics, of course, are taught early in their program, but again that program is set up as a 2-year program.

COMMISSIONER RUIZ. What percentage involve Indians in the 2-year program?

DR. MCCAMMON. These programs that I have been talking about have been all Indian programs.

COMMISSIONER RUIZ. All Indian programs?

DR. MCCAMMON. Yes.

COMMISSIONER RUIZ. Now, there's just one more matter of curiosity more or less, because you stated that the infant death rate occurs at home after the infants are born in hospitals. I believe I understood your testimony to be that.

DR. MCCAMMON. The impact of the infant deaths that makes the total the first year of life occurs after that first week and certainly after the first month when the newborn baby has gone back into the home and been exposed to that harsh environment.

Now, some of this may very well relate also to the fact that that family does not have the means to get that child into a clinic when the child is ill because of lack of transportation or because of isolation. So that the early delivery of health services in the case of illness undoubtedly has some influence on that infant death rate. But—

COMMISSIONER RUIZ. Could you tell me, Doctor, what percentage of births occur out of hospitals and not necessarily in the hospitals involving the Indian population?

DR. MCCAMMON. I would say in this area that there are probably less than 1 percent of the Indian births that occur outside the hospital, and they were not planned that way. Most of the ones that do occur, the mother just didn't make it to the hospital. I think this is one of our greatest successes in the Indian program is the hospital delivery.

COMMISSIONER RUIZ. I have no more questions.

COMMISSIONER FREEMAN. Thank you, gentlemen. You may be excused.

I'm sorry. Mr. Powell has a question.

MR. POWELL. When we were talking about preventive medicine before, you mentioned the fact that tribes were getting involved. We understand that there is an office of tribal affairs headed by a gentleman by the name of Moses Paris. Is that correct?

DR. MCCAMMON. That's correct, in Washington, at the headquarters level.

MR. POWELL. Is he listened to by the headquarters in Washington? I know the tribes consult him, but is he consulted, is his advice heeded in Washington? Indians believe that he is not really getting involved. Do you have any information on that–

DR. MCCAMMON. No, I have no comment on that at all.

MR. POWELL. If Indians were eligible for medicare or medicaid would that be helpful in meeting the needs?

DR. MCCAMMON. There has not been— The Indians in Nevada and Utah are covered as citizens for medicare and medicaid, Title XVIII and XIX. Arizona, of course, only has a Title XVIII law.

This did have some impact in Nevada and Utah on the cost to us for contractual services. It would have some impact in this State. It would not have a major impact except for the people who lived off reservation or who lived in reservations close to communities that had medical facilities.

For the most part, the majority of the Indian population is so isolated from medical facilities that we would still be the principal purveyor of health services.

MR. POWELL. Thank you.

COMMISSIONER FREEMAN. Thank you, gentlemen. You may be excused.

The next area that we will be considering will be the area of education, and our first witness is Ms. Joy Hanley, Director, Elementary Education, Navajo Nation.

MS. HANLEY. Will you remain standing?

(Whereupon, Ms. Joy Hanley was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MS. JOY HANLEY, DIRECTOR, ELEMENTARY EDUCATION, NAVAJO NATION

COMMISSIONER FREEMAN. You may be seated. Mr. Powell.

MR. POWELL. Ms. Hanley, please state your name, address, and position for the record.

MS. HANLEY. My name is Joy Jean Hanley. My address is P.O. Box 247, Window Rock, Arizona.

MR. POWELL. And your position?

MS. HANLEY. I am Director of Elementary Education for the Navajo Nation.

MR. POWELL. You are a Navajo?

MS. HANLEY. Navajo, yes.

MR. POWELL. How long have you been in your present position and what are the responsibilities of that position?

MS. HANLEY. I have been in my present position about 1 year, as the Division of Education under the Navajo tribe is a brand new department. My responsibilities fall in the areas of looking at problems we have on the reservation, in coordination of different programs.

Formerly there was no one under the tribe looking extensively at Indian education legislation, and this again falls to the—this is one of the responsibilities of the department—to look at new legislation, how it would affect Navajo children, and the education of Indian children.

MR. POWELL. Briefly describe the earlier positions you have held and what the responsibilities of those positions were.

MS. HANLEY. I taught for 2 years in the Washington School District in Phoenix. I worked for National Indian Training and Research Center as a research assistant. I worked for the Native American Rights Fund setting up programs in different parts of the country on Indian reservations, to set up workshops called "Know Your Rights in Indian Education."

In that area, we were concerned with Johnson-O'Malley funds, Title I monies, school lunch programs, and community-controlled schools.

MR. POWELL. Would you briefly describe the purpose for which Johnson-O'Malley funds are intended?

MS. HANLEY. The intent of Johnson-O'Malley funds we believe is to—or the original intent— Johnson-O'Malley is an act that came about in 1934, and the intent was to provide Indian children who were in the transition stage from either mission schools or BIA schools to public schools—to provide them with the additional monies that they might need. The Federal Government realized that Indian children in this transitional state might have problems.

Originally, many States used this money in lieu of taxes as children attending public schools came from areas where—or came from nontaxable areas. You know, the reservations were not taxed.

In 1958, Public Law 874, or impact aid, became available, and, supposedly, all Johnson-O'Malley monies were then to revert to supplemental programs and not to be considered in lieu of taxes. Unfortunately, there are still States in the country that do not recognize that and use it for general support instead of supplemental programs.

MR. POWELL. I see. So Johnson-O'Malley funds are still not being used for the special needs of Indian children but just in lieu of taxes?

MS. HANLEY. In many States they are not. In some States they are. In other States they are not. We have children that are— The Navajo have children in public schools in New Mexico, Arizona and Utah. In New Mexico our programs are being— The Johnson-O'Malley monies are being used for supplemental programs. They pay for all children. They pay for lunches. They all eat free. They get special supplies. They have special programs.

In Arizona it's used specifically for general aid rather than supplemental.

MR. POWELL. In Arizona the money is not being used for the purpose for which it is intended?

MS. HANLEY. We do not believe so.

MR. POWELL. Can Federal guidelines be improved so as to prevent this?

MS. HANLEY. We have been working for the last year with the Bureau of Indian Affairs. We have had several meetings with Harrison Loesch who is Under Secretary of the Interior to ask him to change the regulations and come up with guidelines that would make Johnson-O'Malley specifically supplementary.

We did some looking into the school districts in Arizona and we found that although they use it for general aid, they get 874, so then it's like they are getting two amounts of money for taxation. They get 874 which is in lieu of taxes, and then they get Johnson-O'Malley, so it's like the Indian kids are bringing in double taxation, and we are still not receiving the supplemental programs for which the money is intended.

Again, we have been working trying to persuade Harrison Loesch to have the Johnson-O'Malley regulations put into the *Federal Register* so that they may become regulations, but he's been very hesitant, and he has not proceeded to do so.

Mr. Powell. Are there enough Indian teachers teaching Indian students?

Ms. Hanley. On our reservation there are less than 1 percent.

Mr. Powell. What are the consequences of— Are Anglo teachers successful in relating to Indian students? Are they sensitive to the needs of Indian students?

Ms. Hanley. I think you have to look to the Havighurst report which was a report which was done several years ago by a Dr. Havighurst out of the University of Chicago. It was on contract from the Bureau of Indian Affairs.

One of the things that Dr. Havighurst reports is that 25 percent of the teachers that are presently teaching Indian children don't even like Indian children. And one can only look to those kind of things.

Another area is that we on our reservation— Rather, we have many, many children who do not speak English when they start school, and our schools, public schools and Bureau schools, are not designed to teach Indian children. They are designed as though they were teaching non-Indian children in a city.

The Bureau has made a bigger attempt to change the schools than have the public schools. The public schools are still pretending that they are teaching children that have come out of middle class white homes. They don't realize that there is a cultural difference, that there is a language difference, and that there need to be special programs to really teach these kids the kinds of things they need to succeed in the society and to give them self-confidence.

What they are doing is they are building up the confidence— The schools and the philosophy behind public schools are to build up the self-image of the white Anglo child, and when you're trying to build up the self-image of the white Anglo child and you're trying to tell an Indian child, I mean, all you're doing is making the Indian child feel more inferior rather than building his image.

Mr. Powell. Ms. Hanley, please describe how in your opinion nonprofessional staff are discriminated against in the—

Ms. Hanley. I beg your pardon?

Mr. Powell. Please describe how in your opinion nonprofessional staff in BIA schools are discriminated against.

Mr. Hanley. Let me see. I'm not really sure about the nonprofessional staff, but I know that—

Mr. Powell. What about in public schools then?

Ms. Hanley. Again, I have just become a new board member of one of the schools. I have come on the board of education, and we began looking at policies, and I don't know if these policies exist in other public schools, but they do exist in the school that I just became a board member on. And we have a double standard for non- —what they call—non-classified staff and teaching staff.

Mr. Powell. What school are you talking about?

Ms. Hanley. The Window Rock School District. And in the non-classified staff, the cooks, the janitors, the bus drivers and those kinds of people, there is a clause in the personnel policies that if a person works for the school and they have 5 or 6 years, 10 years of experience and they quit and they come back, they have to start at the very bottom of the scale. You know, none of their experience is credited.

Again, I don't know if this applies in other school districts.

We will be revising that policy immediately. It's unbelievable that you could have somebody be very, very qualified, have all of that experience, and not have any of it be looked at.

Mr. Powell. With respect to BIA reservation schools, would you please explain in detail how school boards are constituted and whether their powers are more than advisory only?

Ms. Hanley. The boards are only advisory. I think this is one of the biggest problems we have in the area of Indian education, in that Indian communities, Indian parents that live on reservations, who have children in Bureau of Indian Affairs schools do not have the right that most non-Indian parents take for granted, and that is the right to control the education of their children. They don't have control over policy. They don't have control over hiring and firing of staff. They don't have control over what the curriculum is in the school. All of that is decided in Washington.

If an administrator so chooses to be responsive to an advisory board, he may. But if he chooses not to be, there is nothing that says he has to be responsive to the advisory board.

The advisory board has no authority. It is advisory only. Many of these advisory boards never see a budget. Many of the advisory boards have no idea, really, what the curriculum is. We found that some of the parent advisory committees are not really—parent advisory committees of the Title I programs—are not really quite aware of their authority even in terms of staffing and whatever.

Mr. Powell. Where Indian parents have children who attend public schools, do they attempt at all to participate in the formulation of policy?

Ms. Hanley. On our reservation they are beginning to. We have had quite a turnover in that— We have had quite a turnover in superintendents on the reservation, and I think that the people are beginning to realize that they want to have authority. They want to have a say in the curriculum of schools. They want to have Navajo history taught in the schools. They want to have a say in the hiring and firing of teachers, and they want to have some voice in the education of their children.

MR. POWELL. Ms. Hanley, from your experience, are there a large number of school systems that discriminate against Indian students by using culturally-biased texts?

MS. HANLEY. Yes, there are.

MR. POWELL. Would you describe how these texts are culturally biased in favor of non-Indians and what long-run effects these kinds of texts have on the education of Indian students?

MS. HANLEY. I have seen social studies books that are used for fifth and sixth graders that have on the same page the European culture as opposed to the Indian culture, and it will show the Indian in a breechcloth or a little loincloth or whatever they are called, poking a little stick in the ground, and then on the next page it will have European history and it will have a man driving a tractor, you know, and cultivating. And then on down there are similar things, you know, showing the Indian to be very primitive and very inferior as a person. And I have seen these kinds of textbooks being taught in our schools.

MR. POWELL. Ms. Hanley, do you have statistics which compare the dropout rates of Indian students with those of non-Indian students?

MS. HANLEY. No, I don't.

MR. POWELL. Are you familiar in general with how dropout rates of Indian students compare with those of non-Indian students?

MS. HANLEY. The dropout rate of Indians overall is very, very high, but the dropout rate of Navajos is not so high. But there is more to it than the dropout rate. I think when we are talking about dropout— Even though we have a large retention of our students, studies and such show that the grade level is very, very low even though they are being retained in school. They are 2, 3 and 4 years behind in grade level. And, again, the lack of accountability to the parents, to the Indian community, is responsible for these things.

We have no way of knowing when our children graduate from high school if they are really on 12th grade level. And as parents we have no policy-making abilities to go to the school and demand that our children be of 12th grade level. This accountability is lacking, and I think it's lacking not only in education or Bureau facilities but it's also lacking in Indian health services.

You know, this is my view—that because the accountability of their service is in Washington and not on the community level and not with the Indian people themselves, we will continue to have these kinds of lags in health services and education services.

MR. POWELL. I suppose the attitude of the Anglo teachers that you mentioned earlier has something to do with this also, does it not?

Ms. Hanley. Certainly. The attitude of the non-Indian teacher to Indian students can determine greatly how that student will do. I have had reports into my office this year that in the public schools in New Mexico, where many of our children do get supplementary programs— You know, they have had their class pictures taken, and they are paid by Johnson-O'Malley. They eat lunches free. They get other parental cost items. They have special programs. And we have had reports from parents that teachers are harassing children because they have these services, and saying, "You don't have anything to worry about. Yours is all paid for. Your parents don't pay taxes."

All of these kind of things—when one only has to look at the average income of the Navajo family which is only around $800 to $1,000 a year, annually— And still, our children receive this kind of harassment in different areas.

Mr. Powell. What impact does the policy of the Arizona Department of Education regarding certification of teachers have on the needs of Indian students?

Ms. Hanley. It's my feeling that in the lower grades, in the primary grades, kindergarten, 1, 2, 3, where you have children who don't speak English, it's imperative to the education of those children that their education be given to them in a language they understand. It would be very hard for any of you to go into a Navajo classroom or to go into our tribal council or to go into one of our chapter house meetings and know what was going on when it's completely in Navajo.

Now, this is the situation with our children if they don't speak English. And we have many, many children still that don't speak English that go—when they first go into kindergarten or when they first go into the first grade they don't speak English. But the only language spoken in the classroom is English. Consequently, the teacher will go through the materials that a child is supposed to acquire in the first year of schooling. By the end of the year maybe the child is—they pick up very quickly, and they begin to learn English—but by the time they are pushed on to the second grade they are already behind one year, in that they didn't learn all of those kinds of concepts they were supposed to learn because they were learning English.

Mr. Powell. So you feel that more Indian teachers even without a college degree would be important to—

Ms. Hanley. We have many, many teacher aides on the reservation that have been teacher aides for many, many years. I feel that many of them are very competent. We have had many principals and many superintendents say that they are competent. It's my feeling that in order to have quality education on reservations where you have children that only speak their native tongue, in order for those children really to learn, they are going to have to be taught initially in their native language.

This brings me on just a little bit further that in the Bureau of Indian Affairs schools where there is a lack and they don't have enough teachers, many times they fail to get the numbers of teachers that they need, and they will put a teacher aide into the classroom. And the teacher aides may teach kindergarten or first grade, and they will be doing the actual classroom teaching of a regular teacher, but they are not paid the salary of a teacher. They are paid the salary of an aide although for all purposes they are teaching.

Mr. Powell. Are these Indians—these aides—generally?

Ms. Hanley. Yes, most of these aides are.

Mr. Powell. How about children who have religions other than those practiced in the majority culture? Indian religions. Are they discouraged by teachers in either public schools or the BIA schools, to practice Indian religions?

Ms. Hanley. Historically they were. There has been much work done in that area, and I am not really aware if there is much discouraging of it now.

Mr. Powell. Some of our people tell us that that still happens. I have no further questions.

Commissioner Freeman. Ms. Hanley, I would like to ask if your statement concerning the negative stereotype in the textbook if these texbooks are used in the Bureau of Indian Affairs schools.

Ms. Hanley. No. We don't have any textbooks like that left in the Bureau of Indian Affairs schools. Again, the Bureau of Indian Affairs has made much more of an attempt to present Indian materials than have public schools. Unfortunately, to develop their materials they haven't used many Indians. That's the only difference there.

Commissioner Freeman. Well, you are a member of the Window Rock Board of Education? Is that correct?

Ms. Hanley. Yes.

Commissioner Freeman. Is there a policy of orientation or training for board members?

Ms. Hanley. No.

Commissioner Freeman. Does the board administer the entire school system? I mean does it make all of the decisions?

Ms. Hanley. The public schools, yes.

Commissioner Freeman. It is responsible for selecting the teachers?

Ms. Hanley. Yes.

Commissioner Freeman. So that actually you are now at the point where we would say the buck stops in terms of making of the decisions? Is that right?

MR. HANLEY. Yes.

COMMISSIONER FREEMAN. Well, I'll just have to say good luck to you then.

Commissioner Ruiz do you have any questions?

COMMISSIONER RUIZ. I haven't any questions.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. I have no questions.

MS. HANLEY. If I may add one additional thing, we have been hearing about public health services, and there is one area that I think we have failed to hit on, and this one area of concern that we have on the Navajo reservation, and that is in one community on our reservation the Indian employees have begun to complain because it appears that there are two sets of housing.

There is one that is called the compound and if we may refer to the other one as the "PHS pickets." Now, the "pickets" are where most of the Indian employees live, and they are barracks that were left over from the second world war, if any of you remember what those looked like, and they were condemned in the 1950's. But, unfortunately, they still stand, and most of the Indian employees live there.

Now, in the other housing it is primarily of the white people that work for Public Health, and there are very few Indians that live in the compound, but in the pickets there are nothing but Indians.

COMMISSIONER FREEMAN. Are you referring now to the housing that is provided by the Public Health Service?

MS. HANLEY. Right.

COMMISSIONER FREEMAN. And is it your testimony that housing is segregated?

MS. HANLEY. Yes.

COMMISSIONER FREEMAN. And that the quality of housing—that there is discrimination on the basis of the quality of housing?

MS. HANLEY. Right.

COMMISSIONER FREEMAN. That the Indian receives a lower quality of housing solely because that person is an Indian?

MS. HANLEY. Yes. This is what the workers have. And they have a report that is out. And I can leave a copy of the report in the morning. I don't have it right with me. It's at my motel room. But what happens is the pickets again are those old barracks left over from the second world war, and when the administration was asked about them, they said, "We have been asking for additional money for housing but it hasn't come through."

But it's a very strange thing that when doctors or other professional staff have problems—you know, they have plumbing problems or any kind of problems in their housing—their needs are seen to immediately. And the Indian people that live in the pickets will have the same problems that go on and on and on and on, you know, when there seems to be no maintenance.

COMMISSIONER FREEMAN. Will you make a copy of that report available to this Commission?

MS. HANLEY. Yes.

COMMISSIONER FREEMAN. And it will be made part of the record.

(Whereupon, the document referred to was marked as Exhibit No. 7 and received in evidence.)

COMMISSIONER FREEMAN. This is very significant, because we have already asked of the directors of the Health Service to submit to us information concerning the housing policies. This will be very helpful.

MS. HANLEY. Yes.

I have two more items if I may. Our reservation extends in New Mexico and Arizona and Utah. Now, in Utah our families are no different than they are in Arizona and New Mexico, in that they are very, very deprived economically. And the Utah State Department of Education requires that all students, all secondary students, pay tuition. And many of our students are in great need up there, in that they have no monies to pay the tuition. They are not eligible for Johnson-O'Malley monies under the present regulations because the present regulations say that a school district must have a reasonable tax effort. And this particular school district because of the oil monies from Indian reservations does not need to tax its people the amount that it really needs. But, nevertheless, the students are required to pay a tuition.

COMMISSIONER FREEMAN. This requirement is made by the State of Utah?

MS. HANLEY. I would imagine. They say that all school districts have different tuitions, but, nevertheless, you know, our students are not eligible. They don't have the monies to pay the tuition.

COMMISSIONER FREEMAN. What is the other area, Ms. Hanley?

MS. HANLEY. The other area is in the education opportunity grants, EOG grants, in that all universities that get EOG monies from the Office of Education that have Indian students count their Indian students to be eligible for EOG. And the amount of money they receive is because they have counted Indian students. It's been documented by the United Scholarship Service and the tribe office that our students do not receive their fair share of EOG grants. They go to the financial aids officers in many universities and they are told, "You are not really eligible for EOG grants because you get Bureau of Indian Affairs money."

Yet we know there is a memorandum of agreement between the Bureau of Indian Affairs and the Office of Education that certain percentages of this EOG money will be available to Indian students in universities. And they are not getting their share.

COMMISSIONER FREEMAN. On the basis of this and other testimony that we have heard which would tend to indicate that some of the States and the political subdivisions are themselves denying to the Indians some basic Constitutional rights, we would like to ask the general counsel if he will pursue this so that we can have an opinion for the record. If these states themselves are in consort with any individuals or the Federal government then this is a very serious situation.

MR. POWELL. Madam Chairman, so the record will be clear, are you referring to the testimony about the Utah requirement that people pay tuition to high schools?

COMMISSIONER FREEMAN. That's right.

MS. HANLEY. I just have one more item. I'm sorry. This has to do with Public Health Service too, in that they were talking about the programs, the graduate programs, that were available. They were training administrators and such to come back and hopefully go into the administration.

Well, we found that in education we have had many, many Indians and that the Bureau of Indian Affairs has given grants to several universities for people with graduate degrees, and we found that when these people go back, in fact, to the schools that they left, to the Bureau of Indian Affairs schools, they are put in the very same positions that they had when they left, and they are not elevated at all.

Right now the Washington office is trying to change some of this, in that they have created supposedly 20 positions on the central office and Washington office to give these people training, trying to push the local areas into promoting these Indians, but we are having much, much trouble in getting these Indians once they have degrees and once they have the background for these administrative positions.

There are exceptions to this, but overall this is the problem we are running into, so that the graduate programs are not the answer. We found that it's not working in education.

COMMISSIONER FREEMAN. Thank you very much. You may be excused.

Next, we have two witnesses representing the Arizona State Teaching Intern Panel, Ms. Lucille Watahomigie and Ms. LaVonne Three Stars.

Will you remain standing, please?

(Whereupon, Ms. Lucille Watahomigie and Ms. LaVonne Three

Stars were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MS. LUCILLE WATAHOMIGIE AND MS. LaVONNE THREE STARS, ARIZONA STATE TEACHING INTERNS

COMMISSIONER FREEMAN. Thank you. You may be seated.

Mr. Powell.

MR. POWELL. Would you each please state your name and address for the record beginning with the young lady on my left?

MS. WATAHOMIGIE. My name is Lucille Watahomigie. My address is 1832 Prudence Place, Tucson, Arizona.

MS. THREE STARS. My name is LaVonne Three Stars, 4801 North Granite Reef Road, Scottsdale, Arizona.

MR. POWELL. You are both students?

MS. THREE STARS. Yes

MS. WATAHOMIGIE. Yes.

MR. POWELL. Would you each describe your educational background and tell us what you are currently doing to fulfill your educational objectives, beginning with Ms. Watahomigie?

MS. WATAHOMIGIE. I am doing my graduate work at the University of Arizona in the Indian internship project. I graduated from the Phoenix Indian School in 1963 and got my bachelor of arts in Flagstaff, Arizona, at Northern Arizona University.

MR. POWELL. Ms. Three Stars?

MS. THREE STARS. I am involved in work on my doctorate in counseling psychology and am currently here at Phoenix High School on a year's internship for the requirements of that program.

MR. POWELL. Ms. Watahomigie, you attended the Phoenix Indian School a few years ago. In your opinion, how did the education you received there prepare you for the society in which you wanted to live?

MS. WATAHOMIGIE. It did not prepare me. It was a real long, hard struggle for me to go on to college, and, in fact, the first year—the first two years of college—I had to repeat many of my courses because my academic background wasn't much help to me.

MR. POWELL. Based on your observations, how does the quality of teachers found in the BIA schools compare to that of teachers in public schools, either Ms. Three Stars or Ms. Watahomigie?

MS. THREE STARS. BIA teachers as compared to public school teachers, I feel, are very much inferior, and the reasons are numerous.

For one, the BIA does not recognize academic achievement. If a teacher goes to summer school and increases his academic background, when he returns he goes into the same position or the same step within that position.

Mr. Powell. They don't provide incentive for teachers then? They don't encourage them to go ahead and prepare themselves?

Ms. Three Stars. No. And in public schools the teachers with 12 or 15 hours receive an increase in salary. And, you know, I myself am an example of that. I received my master's in 1970 and suggested a raise to my supervisor. He was one of the many incompetent, ineffective Anglos in Indian education, and he simply couldn't do that.

Ms. Watahomigie. And another reason why the quality of teachers of public schools, you know, compared to BIA schools—is that the public school teachers—you have to draw a line between not only the public schools, because we do have public schools on the reservations which are not meeting the needs of the Indian students either. So I think that it would be best to draw a line between the suburban schools, you know, and—

Mr. Powell. The suburban schools are better than the public schools on the reservation?

Ms. Watahomigie. Yes. I mean the quality of the teachers, because they do have pressure from the parents. You know, these teachers in the suburban schools have pressure from the parents and the administration to keep up on the innovative trends in education. And usually the administration on the reservation public schools and BIA schools is— That administration, you know, could care less. And so, therefore, the morale of the teachers is low and they can't do a good job of teaching. It's usually left up to the teacher to do what he wants, and there's really no followup by the administration of the teachers.

But it depends a lot on the situation. We have an ideal situation in Gila Crossing, and that's a BIA school. But they do have an Indian principal and Indian superintendent, and they are, you know— They know what their teachers are doing, and they are Indians, and they understand what the Indian children need.

Mr. Powell. I'm not sure that we got either one of your tribal affiliations in the record. Ms. Watahomigie?

Ms. Watahomigie. I'm Hualapai from Peach Springs, Arizona.

Mr. Powell. And Ms. Three Stars?

Ms. Three Stars. I'm a Sioux.

Mr. Powell. Did either one of you, either at the high school or college level, ever have the benefit of Indian counselors who understood your problems and were able to help you?

Ms. Three Stars. No.

Ms. Watahomigie. I never have.

Mr. Powell. Do you think if you did it might have made a difference?

Ms. Three Stars. I think it would have made a tremendous difference.

Ms. Watahomigie. Yes.

Mr. Powell. Ms. Three Stars, I understand you are a counselor at the Phoenix Indian School.

Ms. Three Stars. Yes.

Mr. Powell. Based on your experience thus far, what is the self-concept of students here?

Ms. Three Stars. I would say it's generally negative.

Mr. Powell. What, in your opinion, are the reasons for such a low self-concept on the part of students here at the Phoenix Indian High School?

Ms. Three Stars. Well, I think that we have to look at historical reasons mainly, and those are that, historically, the BIA has negated everything Indian.

Mr. Powell. Has what?

Ms. Three Stars. Has negated everything Indian. "Cut your hair; it's bad. Don't eat your Indian food; it's bad. Don't practice your Indian religion; it's bad."

The Bureau also now says, "This is no longer true. We don't do this. We agree the Indian culture is good." But the negation is still there, only more subtle but just as destructive.

Mr. Powell. What do you suppose can be done about that? What do you suggest be done about that?

Ms. Three Stars. Well, I think, first of all, we'd have to begin with staff and get staff in who are appreciative of the Indian culture and will help the student recognize that he is good and that there are aspects of his culture which need to be preserved.

Mr. Powell. Are disciplinary problems at BIA schools different from such problems at other schools, at public schools?

Ms. Three Stars. Yes, I think they are, and I think the intensity of the problems is worse in BIA schools than in public schools.

Mr. Powell. Are there any meaningful programs of counseling at BIA schools to meet the problems of students?

Ms. Three Stars. No,—

Mr. Powell. I suppose your earlier testimony suggests there isn't.

Ms. Three Stars. As a counselor I have to say no, because, like at Phoenix Indian School, we have a tremendous problem with sniffing, and I see—

Mr. Powell. A tremendous problem with what?

Ms. Three Stars. With sniffing, paint sniffing. And I see nothing being done at the present time, nothing different being done. The students aren't responding to traditional counseling methods. And the problem doesn't seem to be corrected. It's getting worse.

Mr. Powell. Are Indian students either at Phoenix or any other BIA Indian school forced to attend Christian religious services?

Ms. Watahomigie. When I was here about 10— Let's see— I graduated here in 1963, and we were forced to attend. We couldn't, you know— We had to go to some sort of religious service. But then—

Mr. Powell. That might have been under the earlier policy that Ms. Three Stars mentioned.

Ms. Watahomigie. Yes. And then— But I think— I don't know. I can't speak for—

Ms. Three Stars. I don't know of any policy now that says they have to. It might be more subtle.

Mr. Powell. Our investigation indicates that Indians drop out at much higher rate than non-Indians in public schools. To what would you attribute this, either Ms. Three Stars or Ms. Watahomigie?

Ms. Watahomigie. I think that basically it's because the Indian isn't given the academic background in the primary schools, and that's because of the teachers, and it goes back to the administration. When they are first grade, second grade they are usually socially promoted, and by the time they are in the fifth, sixth, grade they are reading first grade level, and by the time they are at eighth grade level they are still reading at a far lower level and, then, by the time they get to high school they have to compete in public schools, and they drop out, or, when they do come to Indian schools, they are still not being provided that academic background, but they are just being promoted. By the time they graduate from BIA schools I feel that they have dropped out but were just socially promoted. This is one reason for unemployment on reservations too.

And, you know, there is no level of self-concept.

Ms. Three Stars. But the Bureau has said for a hundred years that, "We are meeting the special needs of Indian students." And they have verbalized that. And it simply isn't true. And they are verbalizing it today, and I can't see that it is true. The fantastically high dropout rate.

Mr. Powell. What would you say, Ms. Three Stars, is the greatest problem here at the Phoenix Indian School?

Ms. Three Stars. I would say the greatest problem here at the Indian School is the ineffective, incompetent, insensitive staff.

Mr. Powell. Madam Chairman, I have no further questions.

Commissioner Freeman. Ms. Three Stars, you are a trained counselor. You're getting your doctorate in guidance and counseling, and you're assigned here at the school. Would you tell the Commission, if you know, how many counselors are employed by this school?

Ms. Three Stars. At the present time we have five, and last year I believe there were 11. There were some under special programs. But it seems to me that if an individual comes into the Bureau and he is effective and functioning and relates well to the student, the Bureau sometime, somehow, finds a way to get rid of him, either transfer or simply apply enough pressure so that he leaves. And I think that is one of the reasons why we have such a high average age of teachers here at Phoenix Indian High School. The Bureau can apply pressure, and the effective people go. Those who don't rock the boat and who don't make waves stay and stay and stay and stay.

Commissioner Freeman. Do these persons that don't rock the boat and stay and stay and stay and stay have training as counselors?

Ms. Three Stars. No, I don't, if you mean the effective kind of counselor education?

Commissioner Freeman. Educational training as counselors.

Ms. Watahomigie. I really don't think that most counselors—Well, I know that 2 years ago, 2 summers ago, they were hiring here at the Phoenix Indian School, and everybody was asking me if I would apply. And I said, "Well, I don't have any hours in counseling, you know, psychology or anything."

And they told me, "Well, if you have 12 hours in psychology you can be hired."

And I felt, well, I wouldn't be doing the Indian students any good even if I had 12 hours, so, therefore, I refused to even apply for the position. But I know that there were several that did.

Commissioner Freeman. Speaking of doing students any good in the counseling, my next question refers to the student with problems. Does the counselor receive the social reports or the reports from social workers of any agency in those instances where a student may have a problem? Is this kind of cooperative relationship in existence?

Ms. Three Stars. I think that we have fairly good relationships with some reservations. Is that your question?

Commissioner Freeman. Yes. Suppose a student gets into trouble, a student in the school or student at another school. Well, take the situation because you are at the school. What information is made available to you to help you counsel the student even though the difficulty may have occurred not at the school but elsewhere, maybe at the reservation?

Ms. Three Stars. Oh, I would not say that is good. We don't get a great deal of information with the students who come in.

Ms. Watahomigie. Before the school year program began at the Phoenix Indian School, we were doing a workshop orientation, and I was here for one day. There was a man who had come from the Apache reservation, and he said that they did send forms about the background material of the students, but, apparently, he said, the counselors did say they never got hold of those records. It was lost somewhere in the files as I understand it. But you would have to clarify that.

Commissioner Freeman. Your counseling, does include informing the students about scholarship assistance that may be available? Is that correct?

Ms. Three Stars. Does counseling include that?

Commissioner Freeman. Yes.

Ms. Three Stars. Yes.

Commissioner Freeman. Could you tell us if the Bureau of Indian Affairs scholarship grants are made available to the so-called urban or non-reservation Indian?

Ms. Three Stars. I don't know. We at the Indian School don't have many urban Indian students here so I don't think that I—

Commissioner Freeman. Well, those that are here, would they be eligible, considered eligible, within the rules of the school for the scholarship?

Ms. Three Stars. I think it would depend on how aggressive the counselor is. You know, the BIA does buckle under pressure as well as apply pressure, and I think it depends on the aggressiveness of the counselor how much help that he or she can get for his student.

Commissioner Freeman. What do you mean by "pressure"?

Ms. Three Stars. Well, if I have an urban Indian student, then I can work with the area office and apply pressure and really insist that he get the help and say, "I know that he is eligible and he does need this assistance."

I don't think the Bureau has any right to sit up there and say, "These are urban Indians and these are reservation Indians and therefore. . ." If an Indian student is qualified to go to college, then I think he should have the financial support.

Ms. Watahomigie. But there are instances where an urban Indian doesn't have the privilege of getting a BIA scholarship unless the parent does write to his Congressman and things like this. But how many Indian parents would do that? They just don't know what procedure to go through to get their child this BIA grant. But it is happening.

Commissioner Freeman. In other words, there are instances where the Indian really, because he is an urban Indian—

Ms. Watahomigie. Not living on the reservation.

COMMISSIONER FREEMAN. —receives a different kind of treatment?

MS. WATAHOMIGIE. Yes. Do you want me to quote?

COMMISSIONER FREEMAN. Yes.

MS. WATAHOMIGIE. Well, there was this family we met in Yosemite the past summer, and the boy was crippled, he couldn't support himself to go to school as he was doing before. So his mom wrote everybody trying to ask for money, and she did say that at last she found monies to go, but she had to go through all this red tape in order to get him money.

I do have some relatives living up in Colorado, and they are not eligible for such programs, and they have to come back on the reservation and then go through the reservation, you know, and say that they are an enrolled Indian to get any kind of, say, relocation training or something like this.

COMMISSIONER FREEMAN. Do either of you have any opinion as to the basis for this distinction?

MS. THREE STARS. I think that the Bureau has always— The relationship of the Bureau to the Indian has been to divide. And this is just another means of dividing—to pit the urban Indian against the reservation Indian. In the past they could pit one tribe against the other, and this is very easy to do. A group of Indians will come out with a statement and the Bureau can always find another group of "apples" to come up with a contradictory statement, and on and on it goes.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. What procedure would you suggest to eliminate some counselors and retain those that relate well? What procedure for the priority of retention would you suggest that would be effective?

MS. THREE STARS. Well, it seems to me that the Bureau needs to set up some kind of standards that the counselor or teacher would meet as in the public school. If public school people don't perform, they don't stay around. And the Bureau seems to be overwhelmed with those people who don't perform.

MS. WATAHOMIGIE. They usually come to us.

COMMISSIONER RUIZ. There are no standards at the moment, then, with regard to this specific item?

MS. THREE STARS. Well, there is nothing that says, "If you don't meet these requirements within your job situation you won't be able to stay." I mean I suppose there are on really gross things, insanity—and I'm not too sure about that.

MS. WATAHOMIGIE. And then there is the Peter Principle, you know, too. Once they perform inadequately or something, they're just usually transferred—but with a promotion. And they are the ones that end up in Washington. (Laughter.)

But there is another thing about BIA education, too, that it operates under the— You know—like all BIA schools are just one gigantic school district. And they hire all the teachers in BIA schools all over the United States in Albuquerque, and then they have a teacher recruiter, and, usually, the teacher recruiter doesn't know that much about different areas, but they go and give misinformation about certain areas such as Alaska. They hire poor teachers, and then they don't have pre-service training, which is very important, so that the teacher, the incoming teacher, will be aware of the problems—or not problems but the culture of the Indian people in one geographic area. This is really important for the teacher to know. You know, you don't have this pre-service training in BIA schools or in public schools on reservations.

COMMISSIONER RUIZ. It's been very enlightening. Thank you very much.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. Just a couple. I suppose I must admit to a little confusion. Are you suggesting that BIA schools ought to be done away with or ought to be improved?

MS. THREE STARS. I am suggesting they ought to be improved.

MR. BUGGS. I suppose that one of the reasons, rather, one of the processes through which that improvement might be made is that more Indian teachers teach at BIA schools. Is that right?

MS. THREE STARS. Yes.

MS. WATAHOMIGIE. I'd rather have Indian people educate our own people, and I really don't want public schools to be educating our Indian students, either because just like, you know, the public schools that we have on our reservations are ineffective for the Indian students, and it's only up to us Indian people to educate our own people. It seems that the Office of Management and Budget and the other Federal agencies do not cooperate and help us contract schools. They should do more to remove the barriers where we can contract our own schools such as Ramah on the Navajo.

MR. BUGGS. What problems would you have in teaching at an Indian school?

MS. WATAHOMIGIE. What do you mean?

MR. BUGGS. Well, do you teach in an Indian school?

MS. WATAHOMIGIE. I did teach in Peach Springs for 2 years. And what problems did I have? Well, the problems that I really had were with the other teachers, because I really didn't feel that they were doing a good job teaching my tribe. And the only problem that I had was with those teachers.

MS. BUGGS. Is that the reason you left—because you had the problems with the teachers?

Ms. Watahomigie. Well, I felt I wasn't really doing, I couldn't do what I wanted to do, with those teachers, so that's the reason why I came back to school, because as an administrator I might be able to weed out these bad teachers.

Mr. Buggs. So you do intend to go back to an Indian school?

Ms. Watahomigie. Yes, I intend to go back, and I feel that all Indians should go back.

Mr. Buggs. Good. I'm delighted to hear it, because that's probably the only way changes are going to be made.

Thank you.

Commissioner Freeman. Thank you very much.

Ms. Three Stars. May I add a comment for the record? The Bureau has espoused the policy that they do not condone physical and mental punishments for students in BIA schools. However, within the past 2 weeks here at Phoenix Indian School a young Hopi girl, a client of mine, bright and intelligent, was slapped by a white staff member, and the girl was sent home the following week.

I think this is a tremendous loss. I had been working with her on a weekly basis since the middle of September when she was referred to me, and I did see significant improvement in her behavior as did other staff members.

The white staff member slapped the girl, and the girl returned the slap to the white staff member, and consequently she was sent home.

Mr. Powell. If you will provide details for us, we will look into that.

Ms. Three Stars. I will be glad to do that.

Mr. Powell. I'm glad you didn't mention any names.

Commissioner Freeman. Thank you very much. You may be excused.

Our next witness and final witness before dinner is Dr. Carl Hammerschlag.

Will you remain standing, sir?

(Whereupon, Dr. Carl A. Hammerschlag was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF DR. CARL A. HAMMERSCHLAG, PSYCHIATRIST, INDIAN HEALTH SERVICE

Commissioner Freeman. Mr. Powell.

Mr. Powell. Dr. Hammerschlag, please state your name, address, and present position for the record.

Dr. Hammerschlag. My name is Carl Hammerschlag. I reside here in the Phoenix area. I am a psychiatrist in the employ of the Indian Health Service.

Mr. Powell. Dr. Hammerschlag, would you tell us what your work experience and educational background have been prior to coming to Phoenix?

DR. HAMMERSCHLAG. You want my training in psychiatry?

MR. POWELL. Your educational background.

DR. HAMMERSCHLAG. My educational background. Undergraduate at the City College of New York. Medical school in Syracuse. Internship in the State of Washington. I spent 2 years with the Public Health Service as a general medical officer with the Indian tribes of New Mexico on the Rio Grande. I took my postgraduate training at Yale University in psychiatry. I have been here since 1970. I have been working with Indian people for 4½ years.

MR. POWELL. Thank you. Dr. Hammerschlag, I understand that you have prepared a paper entitled "Indian Education, A Human Systems Analysis." Is that correct?

DR. HAMMERSCHLAG. Yes, and was asked to submit that to the Commission, and have done so.

MR. POWELL. Madam Chairman, at this point I would like to have that entered into the record.

COMMISSIONER FREEMAN. It will be received.

(Whereupon, the document referred to was marked as Exhibit No. 8 and received in evidence.)

MR. POWELL. Dr. Hammerschlag, would you describe the kind of research you undertook to write this paper? And would you please summarize for the Commission some of the major conclusions you reached concerning the quality of education given to Indian students in the country today?

DR. HAMMERSCHLAG. Surely.

Let me preface my remarks by saying that my opinions are offered as an individual and are not intended to reflect in any way any Federal or Indian agency approval.

I came to the Phoenix Indian School in 1970 as part of the commitment to provide some kind of mental health services to the student population here. I viewed that task as kind of getting to know what things were like here and interviewed many people here at the school as a way to find out what things were like and a way for me to meet people and a way for them to meet me as well.

On the basis of those kinds of undertakings, we attempted to understand what life here at the school was like both for students and staff members as well, in an attempt to understand and then share the information with one another to improve in some ways the nature of life here at the institution.

So that was the background in terms of the study.

MR. POWELL. Would you please summarize for the Commission some of the major conclusions you reached concerning the quality of education given Indian students in the country today?

DR. HAMMERSCHLAG. It's hard to summarize. Many students —

MR. POWELL. Let me discuss with you, then, and we can get back to that.

DR. HAMMERSCHLAG. Okay.

MR. POWELL. Would you please describe how, in your opinion, the BIA schools have evolved and discuss the policy considerations which determine whether or not a student will or will not be sent to a boarding school?

DR. HAMMERSCHLAG. Okay. It seems to me that's an important consideration when one understands what the task of at least off-reservation boarding schools are. Students are referred here for essentially two reasons. One is that there are no other schools available to them on the reservations from which they come, and the other for so-called social reasons, a fairly large diagnostic category including children who come from large families; it's very expensive to live; it's cold; it's easier for the family to survive with the children here rather than at home; kids who have had difficulty in other schools; kids who have been thrown out; kids who have been behavioral problems. Those kind of things.

The overwhelming majority of our students come for so-called social reasons. Relatively few come because there are no other schools available. Most have had educational experiences elsewhere and are referred for those reasons.

As a result, we see a highly skewed sample of studentry. And one of the difficulties I sense with off-reservation boarding school education is that the schools have not as yet defined the primary task. If we get kids for so-called social reasons, the implication is that they come here because we can do something for those social reasons; that is, we can control behavior. And I think that that's different than sending kids to come to a school to be educated primarily.

I think the school tries to do both, and it is an impossible task; To provide an institution with some controls, and to provide high quality education. I think it can't do both.

I think the two tasks are probably antithetical—that it's hard to provide that in this kind of atmosphere.

A child who does well academically may not stay in the school because of the behavioral acting out difficulties—sniffing, running away, going AWOL, coming in late, all those kinds of issues. And the reason that they can't stay is because it represents a real hardship for those people who work in dormitories to be able to control that kind of behavior.

Most institutions run to perpetuate themselves, and for most of the people to follow the same rules most of the time. It leaves little room for individual variability.

Those kids who have difficulty in following the rules are asked to leave because the institution could not tolerate, for example, many of its children defining the rules themselves. Kids who are bright and academically alert and may test the rules are frequently the ones who are asked to leave. Those kids who can follow the rules well but may or may not be able to achieve academically usually stay. The rewards are those of behavioral control rather than academic excellence, and sometimes those are mutually exclusive—not always.

In fairness, the school has considerable difficulty in dealing with it. We have too few staff members, too few people in the dormitories, and the institutions have not, as yet, defined the primary task, whether it's behavioral control or education. My experience and findings suggest it cannot do both.

MR. POWELL. One of the Indian members of our Arizona State Advisory Committee suggested a question. What training or orientation have you had regarding Indian behavior patterns—which, she points out, vary significantly from the Anglo norm? Do you consider these in evaluating the questions we are discussing now?

DR. HAMMERSCHLAG. That's right. My experience comes from direct experience. There are very few of us who have been involved in Indian education for any extended period of time.

MR. POWELL. Your experience comes from the direct experience you have had during the last 4½ years which you mentioned?

DR. HAMMERSCHLAG. Two years in New Mexico with a school, and 2½ years here.

MR. POWELL. We have heard quite a bit of testimony about dropout rates among Indians and how much higher they are. And I think you have discussed some of the reasons why this might be so. Do you care to comment further?

DR. HAMMERSCHLAG. Dropout rates are very high. The reasons for that are many and varied. Part of that has to do with expectations for Indian children to perform—not only true in off-reservation Indian boarding schools but in all schools that deal with so-called culturally disadvantaged groups, blacks and Chicanos as well.

In several recent reports—Charles Silberman's book, for example, "Crisis in Black and White," and his recent book on education—he suggests that one can't help but be impressed with the modesty of expectations that teachers have of students who represent those groups.

MR. POWELL. I'm familiar with that first book by Charles Silberman, "Crisis in Black and White." You mentioned a more recent book.

DR. HAMMERSCHLAG. Right.

MR. POWELL. Which one is that? For the record let's indicate what you're talking about.

DR. HAMMERSCHLAG. I have forgotten its name. "Crisis in the Classroom," I believe it's called. And I think that those are generally true. I think Indian children—it's hard to summarize—drop out because there is a myth that suggests that everybody who gets prepared in this school has an equal chance for achieving in the outside world.

It's a perpetuation of a myth that suggests that if you continue to go to school here and you do well you will be able to do well on the outside. And it's not true.

That our kids do well here does not mean that they will do well elsewhere. They are probably poorly prepared for undertaking college credit.

A lot of our kids have a lot of difficulty making it on the outside. Most of our children score in the lowest ten percentile on competitive examinations, SATs and college aptitude tests. The myth that suggests that if they do well here means they will do well outside is simply untrue, and I sense that our kids begin to understand that the more they spend time in these kinds of institutions.

MR. POWELL. Is this one of the boarding schools to which you referred earlier?

DR. HAMMERSCHLAG. I'm speaking for Indian education generally and for boarding schools specifically. I think that it's unfair for us to simply look at this boarding school or any off-reservation boarding school as exemplificative.

MR. POWELL. I'm not talking—I just asked if this is one of those boarding schools that you were referring to earlier?

DR. HAMMERSCHLAG. This is one, yes, of many.

MR. POWELL. Yes.

DR. HAMMERSCHLAG. The same would be true in South Phoenix, for example, in the expectations of black children and how they do in school. I think the kids basically sense that they are not being well prepared.

MR. POWELL. I think your testimony has also anticipated the next question which my staff has, and that is the question of low self-esteem. All the factors that you mentioned would contribute to a low self-esteem of students at BIA schools?

DR. HAMMERSCHLAG. That's not a word that I used in that paper, low self-esteem. I think our kids feel good about themselves, but I think they become increasingly angry with the kinds of things they see around them and feel powerless to change them. I think that is the key in terms of contemporary movements in education. Our kids don't feel—

MR. POWELL. Someone who is angry, at least, has some motive force. Wouldn't you agree?

Dr. Hammerschlag. Yes, I do. I think that Indian people generally don't share that kind of feeling. I think that they for a hundred years have been rendered essentially powerless by a system which essentially has made them institutionally dependent, and I think that we deal with symptomatic expressions when we talk about Indian education.

For a hundred years everything has been done for Indian people after their disenfranchisement. They have been essentially dealt with as a defeated nation, and from birth to death they are cared for by Federal agencies. You can't take care of people by giving them things without taking something away. And what we take away from them is some sense of their own worth, independence, and power.

I think that's counterfeit nurturance. You give somebody something like from the Bureau or from the Federal Government without recognizing that by giving one also takes something away. You emphasize the ability of the giver to give and the neediness of the receiver in having to receive. That's a re-creation of a master-slave syndrome.

The difficulty that we see in Indian education is that our kids are an expression of that kind of problem. Nobody can take the power in their own hands to do things. And I think that no change in, for example, boarding schools is going to make any difference in terms of dealing with that problem.

No increase in the number of counselors, for example, is going to make any difference in dealing with the problems of Indian children. All that does is symptomatically treat the problem expressions of those kids, whether the counselors are Anglo or whether they are Indian.

One deals with the children as if the problem is theirs and that they ought to be able to deal with counselors who will help them with their problem, and it blames the victims. It makes the children responsible for the behavior without understanding that the underlying issues cause those kinds of symptoms.

Mr. Powell. Well, then, how would you deal with those underlying issues?

Dr. Hammerschlag. The underlying issues, as I am suggesting, are massive institutional dependency and a rampant sense of powerlessness, a sense that one is not controlling one's own kind of destiny, and I'm suggesting to you also that no increase in counselors, for example, deals with the problem. It masks the problem. It makes people believe that something is being done when indeed it is not.

Mr. Powell. You are suggesting that increase in counselors, whether they be Indian or non-Indian, is merely symptomatic—

Dr. Hammerschlag. Yes.

Mr. Powell. —in dealing with the problem?

Dr. Hammerschlag. Yes.

Mr. Powell. How do you deal in a more fundamental sense with the problem?

Dr. Hammerschlag. In a more fundamental sense, one has to give Indian people some sense of their own degree of powerfulness in controlling their own institutions.

Mr. Powell. Could curriculum changes be a step in the right direction? What kind of—

Dr. Hammerschlag. Curriculum changes would be.

Mr. Powell. What kind would you make?

Dr. Hammerschlag. If the parents were in charge of changing that curriculum. Indian parents must become more involved in the education of their children. Off-reservation boarding schools allow Indian parents to become essentially uninvolved since the schools are quite a distance away from home territories. We do have a school board, and it is a step in the right direction, but we share that board with other off-reservation schools.

In order for us to make a real change in education, Indian parents are going to have to become much more intimately involved with the education of their children. They share that responsibility but have abandoned it.

Most of our parents are unaware of Johnson-O'Malley funds or Title I or impact aid.

The way to do that is to involve parents with the education of their children in their own territories. I think that changing off-reservation boarding schools doesn't deal with the underlying issue, and that is essentially parent, community, and Indian control of those services. It has to be done at home, near home.

Mr. Powell. Well, once you have Indian control, what steps then should be taken? Do you think that will be the solution in and of itself?

Dr. Hammerschlag. I have no objection to public schools if there are Indian parents who can sit on school boards. I needn't go over with you the sad history of Indian attempts at involvement in school boards, largely because they have been excluded, but, secondly, because the parents themselves don't believe that they have anything to say or that anyone will listen or that they have the power to exercise.

Mr. Powell. Should there be curriculum changes in addition to Indian control?

Dr. Hammerschlag. I would change the curriculum in some direction that Indian parents felt it should be changed.

I think that the time has come for us to stop making those decisions for the people. We continue to perpetuate the myth that we know what it is that they need or want. The way to change it is to somehow allow them the opportunity of providing input and telling us what they think we ought to teach.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. Well, isn't that what this entire hearing is about? To break decisively with the past and to create conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions?

DR. HAMMERSCHLAG. I think so, Commissioner.

COMMISSIONER RUIZ. And isn't it a fact that these decisions that the Federal Government has been making have to be turned over to the Indians to have the Indians administer these matters and let the Indians finally make the determinations?

DR. HAMMERSCHLAG. I believe that is also true.

COMMISSIONER RUIZ. Wouldn't this be giving the Indians back something that, as you say, has been taken away as dependents which is that they haven't been controlling their own destiny?

DR. HAMMERSCHLAG. I think it would.

COMMISSIONER RUIZ. So you sounded pessimistic there, but I think in analyzing what you have said is exactly what this entire hearing has been about. And you have given a very scholarly dissertation. I think we're all coinciding. Thank you.

DR. HAMMERSCHLAG. I appreciate the opportunity to be here.

COMMISSIONER FREEMAN. I think, sir, that I would like to follow up on what Commissioner Ruiz has said by making a statement that will clarify the record. You're saying that there are real problems that are systemic, and you are saying that the Bureau of Indian Affairs ought to be at least under the control of the Indians. I don't want anybody to get the impression that this Commission believes that it has the power to change the Bureau of Indian Affairs. I think that we'd better make that—

DR. HAMMERSCHLAG. I must say in fairness I'm not sure that even if the Bureau was changed under the Indian control that it would make any manifest difference. Perhaps we need some new institutions to deal with the problem rather than revamping of the old ways with institutional entrenchment.

Part of the difficulty I sense from the testimony here today is it's very difficult to get an Indian point of view. Urban Indians, reservation Indians, although I dislike those dichotomies as my colleagues have also shared, unfortunately, that is a problem. No one speaks for the Indians. I sense no one speaks for the white man or the black man or the Chicano. One has to deal with those problems. But it has to be left in their hands.

We perpetuate those difficulties by suggesting nobody speaks for the Indian and therefore disallowing them the privilege of trying to deal with it themselves and stepping into the void by providing that leadership ourselves. That game has to stop.

COMMISSIONER FREEMAN. One of the real tragedies in this country is that we have not learned how to benefit from diversity. We have not learned this at all. Mr. Buggs.

MR. BUGGS. What kind of recommendations would you suggest this Commission make to Congress and/or to BIA in connection with—

DR. HAMMERSCHLAG. I have often fantasized what I would do with all that power.

(Laughter.)

And I must say I appreciate the opportunity of sharing those fantasies. I think that there is no such thing as Indian education. I think that's a myth. I think that our children are going to have to compete with everybody else and in the general framework, and the way to compete is to compete well and in the same atmosphere.

These kinds of institutions I think disallow our children the privilege of that competing. But Indian parents continue to demand that these institutions exist. So the responsibility is shared by both the institution and parents.

I think the off-the-reservation boarding school as it has existed has outlived its usefulness. And I say that recognizing there are many dedicated people here who care truly about children and who work hard with them. We can't continue to do it and affect the future, and that is for Indian people to gain some control and power over their destiny.

I think we have to make off-reservation schools non-existent, and Indian parents need to become involved with schools in their communities. Could we not afford them, we should have mobile classrooms, people who could come to communities or some other modification perhaps of the existing Teacher Corps.

In terms of Indian organizations, Indian organizations have to be allowed the privilege of failing. They can't be asked to succeed. And we must get out of the way and allow them to both fail and succeed. And I think we are beginning to see that.

Then I'll soon be out of a job.

COMMISSIONER FREEMAN. Dr. Hammerschlag, you have apparently given a great deal of thought to this, and you have done some writing on it. My question is: Have you made the recommendations which you have indicated here— Have you transmitted those recommendations to the agency that perhaps may be able to begin doing something about it? Have you transmitted any of this to the Bureau of Indian Affairs?

DR. HAMMERSCHLAG. Yes.

COMMISSIONER FREEMAN. And what was the response?

Dr. Hammerschlag. They thanked me for it.

(Laughter.)

It was done under the authorization, indeed, of the Bureau, and that should not be underestimated. The Bureau supported the study and, indeed, provided the financial assistance for me to conduct it, and I want to say that as part of the record, and received it openly.

Being received openly at local levels has, unfortunately, no operational translatability in terms of who ultimately sees it or what is done. It becomes another yellowed sheaf of paper, I sense, filed in obscurity in my own bitterness.

Commissioner Freeman. Thank you very much.

Dr. Hammerschlag. Thank you.

Commissioner Freeman. You may be excused.

We are about to adjourn this session for a brief period of what we will call a dinner break. The hearing is now in recess until 7:30 p.m.

(Whereupon, at 5:25 p.m., the hearing was recessed, to be reconvened at 7:30 p.m., this date.)

EVENING SESSION

7:30 p.m.

Commissioner Freeman. This hearing is called to order.

We would like to call as our next witness Mr. Wesley Bonito. Mr. Bonito, will you be sworn?

(Whereupon, Mr. Wesley Bonito was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. WESLEY BONITO, WHITE MOUNTAIN APACHE TRIBAL COUNCIL MEMBER

Commissioner Freeman. You may be seated.

Mr. Powell.

Mr. Powell. Mr. Bonito, would you please state your name, tribal affiliation, and occupation for the record?

Mr. Bonito. My name is Wesley Bonito. I am the tribal education coordinator and member of the tribal council. My address is P.O. Box 864, White River, Arizona.

Mr. Powell. You said you are the education coordinator for the White Mountain Apache Tribe? Is that right?

Mr. Bonito. Yes.

Mr. Powell. I understand that there's a public school on your reservation. Is that right?

Mr. Bonito. Yes.

Mr. Powell. Mr. Bonito, have Indians on the White Mountain Reservation been accorded an adequate voice in the control and management of the public schools located on that reservation?

Mr. Bonito. We have the majority on the school board.

MR. POWELL. You have the majority on the school board?

MR. BONITO. Yes.

MR. POWELL. Do you feel that you have an adequate voice in the control and management of the school?

MR. BONITO. So far we are involved, and at least something is happening to our requests, so I feel that we have a voice in the school. For the record, we have three Apaches on the board.

MR. POWELL. Out of how many people on the board?

MR. BONITO. There's five.

MR. POWELL. Thirty-five on the board?

MR. BONITO. No. Five. Five.

MR. POWELL. How many tribal members are there on your reservation?

MR. BONITO. There's about 6,500.

MR. POWELL. 6,500?

MR. BONITO. Yes.

MR. POWELL. Can all those tribal members vote for members of the school board?

MR. BONITO. If they are eligible to vote.

MR. POWELL. Are all of them eligible to vote?

MR. BONITO. No. We have about 2,500 eligible voters on the reservation, and the rest are still—

MR. POWELL. Is your reservation split into three different jurisdictions?

MR. BONITO. Yes.

MR. POWELL. Would you explain?

MR. BONITO. We are divided in three counties—Apache County, Navajo County, and Gila County. And our public school is in the Navajo County, and most of our kids come from the Gila County. When they do bring complaints, it's hard to voice their opinion in the Navajo County because there is a line there that kind of blocks it. So most of the Gila County parents prefer to go to Payson and make their complaint over there because that's where the school district head is, but they like to come in and make their complaint to White River where the public school is set. We are talking with the school board now, and I understand that something will be done about realigning the district.

MR. POWELL. There are three counties involved, Navajo County, Gila County, and what is the third county again?

MR. BONITO. Apache County.

MR. POWELL. And people who live in Gila County and Apache County are not able to participate in the management of the school in Navajo County? Is that correct?

MR. BONITO. Right.

MR. POWELL. I see. Mr. Bonito, do Indian people have any voice in the direct control of employees and policy decisions of the BIA school system?

Mr. Bonito. No, we serve as an advisory on the school board, and we have not had any direct voice in hiring or firing some of the people that we have in the Bureau of Indian Affairs. Most of it is done— The hiring is done over in the central office in Albuquerque, and we have been complaining about this.

And also we like to see some change on who our teachers are on the reservation or at any school. Some of these teachers have been with us over the years, and to me a lot of them should be weeded out. But how do we do this? We have been complaining about it but not much has been done.

We don't know who we get at reservation school. But we would like to see that changed.

Mr. Powell. Is the situation somewhat different at the State level? I understand that you are a member of the Arizona Intertribal School Board?

Mr. Bonito. No, I'm not a member. I started the— I wrote up the proposal for the intertribal school board for the Phoenix area office, and that takes care of the three off-reservation schools and also the on-reservation BIA school. And this board at one time did help out in hiring the new superintendent for Phoenix Indian School. They had a voice in that.

But at the local level the school board serves only as advisory, and it has not actually had the power to make any move of getting people off—the people that we want to move out, the teachers, that is. And if they do, what happens is— Let's say if they had the voice to move them, to me it's not actually firing the individual. Under the BIA policy or the civil service policy, we are just passing him on to another tribe so another tribe can have him.

Mr. Powell. It doesn't get him out of the system?

Mr. Bonito. No, he's still there, but there should be some system to be worked into it. I don't know if there's any evaluation done on teachers or not, but most of the evaluation is done on the students, but I think the administration of the school should be evaluated by an outside—

Mr. Powell. Mr. Bonito, what can you tell us about the Johnson-O'Malley program and the effect it has had on the quality of education for Indians in your area?

Mr. Bonito. Well, I'll say that we do receive quite a bit of money from Johnson-O'Malley, but on the other side other Indians are not getting their share of it. At one school in Apache County. McNair High School, where we have about 150 students enrolled— That's a mix with non-Indians. And we have about 89 of the local Apaches attending that school. And that school to this day has not received any Johnson-O'Malley.

They have written to the State office but have been— I don't know if they are turned down—but they haven't received any money so far. But the schools in White River do get money.

Mr. Powell. Where Johnson-O'Malley funds are received, has it been your experience that they generally make a difference? Or are they used in such a way that they do not make a difference?

Mr. Bonito. I think they should make a difference, but I'm not closely involved with the public school board so how the money is spent, I haven't seen any of the— Well—I'd like to see a copy of their budget and also the line item, how this money is spent. But maybe it will surprise me if I do get it.

Mr. Powell. Have you requested such information?

Mr. Bonito. So far I have not, but I'm working on it because it's getting to be an issue.

Mr. Powell. Mr. Bonito, turning to the area of employment, would you comment on the employment practices of the large private employers near your reservation? I take it there are such enterprises near your reservation? Is that correct?

Mr. Bonito. Yes. We have Southwest Lumber Mill, a private enterprise, which has leased land from the White Mountain Apache Tribe. And I worked there when I was trying to go to school. I feel that I was capable— I always feel I was capable of doing the work in one area.

And then another time I took a test with a non-Indian group for a position, and I got this position, but because of who I am I guess, or maybe my skin made a difference, I guess, I was taken off this job, and to this day a lot of other Indians have not stepped up the ladder like they should. But one time we said, "Okay, Mister, we'll take this lease back if you don't comply with what you said in your agreement." And they said, "We'll put some of your Apaches in the office. We'll put some of them—put them in the office and put them up in front as a training for foreman position."

To this day not very many have reached this level. And a lot of them are still in the same position. For one example, there's a man who worked in one position for about 27 years, and he is still sitting there with no promotion.

Mr. Powell. While other people have been promoted over and over again during those 27 years, I take it?

Mr. Bonito. Right. And they are still saying it. They haven't changed. And probably he'll just die there.

Mr. Powell. You feel that you were not permitted to stay in the job to which you referred because of discrimination? Is that it?

Mr. Bonito. I would say yes because of my—

Mr. Powell. What position was that, Mr. Bonito?

Mr. Bonito. It was a boxcar tally. See, there's— This is a molding part. You start at bundling where you tie lumber together. Then you go up to trimmer and then feeder, and then if you know these three areas you can move up to a foreman or into a boxcar tally.

And it's up to this individual to make sure everything that goes into a boxcar has been registered, know your numbers and so forth. I felt I knew this, but when I was put in that position I didn't last very long.

Mr. Powell. We heard earlier testimony from Mr. Anderson that the contract with Southwest Lumber Company was cancelled by the tribe because of discrimination against Indians.

Mr. Bonito. Timber stand. Right. Timber stand. We don't have any contract with them any more. They are cutting timber off the national forest.

Mr. Powell. Mr. Bonito, to your knowledge, has the Indian preference doctrine—you're familiar with the Indian preference clause—Indian preference doctrine, are you not—

Mr. Bonito. Yes.

Mr. Powell.—Has that doctrine been fully implemented by the BIA and the Indian Health Service in preferential hiring of Indian people?

Mr. Bonito. They're hired—

Mr. Powell. Has it been effectively—has it been used? Has it been carried out? Has the preference—

Mr. Bonito. Not to its fullest, because if they are hired, they are hired at the lowest of the totem pole and the lowest wages. And it's in there. It says that, "We should help Indian people get a good job and good training." But this training to me has not helped me or helped the tribe or the other Indians to put them in a position where they could take over their own program. And there are not very many top positions held by Indian people. That's straight across the board. If they hold a position, it might be a janitor position, and they will stay there forever.

Mr. Powell. Mr. Bonito, have there been any law enforcement problems on your reservation—police problems?

Mr. Bonito. Well, the jurisdiction of the State and Federal and tribe is so confusing, it bothers everybody on the reservation. Like the highway that runs through our reservation is owned by the State of Arizona, and, let's say, two of us were following each other, an Indian and a non-Indian, and we were both cited for drunk driving. I go to the tribal court, and the other fellow goes to the outside J.P. office. And the money goes to somebody else. I think—

Mr. Powell. Even if this happened on the reservation?

Mr Bonito. Yes.

Mr. Powell. You would not have jurisdiction over the non-Indian?

Mr. Bonito. No. He goes off to J.P. office off the reservation.

Then, also talking on jurisdiction, we have politicians that come to our reservation and run for office, and they do kind of pat us on the back when election day comes around, but after that we won't see them again, not for another 4 years. So the last election we talked to one of the sheriffs and asked him if he would deputize one of the Indians to help him out because of this jurisdiction problem that we have, non-Indian and Indian. —I don't know how it's going to come out, but I hope we will get an Apache deputized so he can work in all three of these counties that we are working with.

Mr. Powell. Without having this cross-deputization you have no way of assuring that non-Indians who commit crimes on reservations will, in fact, be punished, do you?

Mr. Bonito. No. We can't. We have no jurisdiction over non-Indians—period.

Mr. Powell. Mr. Bonito, in your opinion has the Indian Health Service adequately taken care of its obligation to provide health services to Indians on your reservation?

Mr. Bonito. No. It's probably because—a lot to do with the funding. But we have been promised just like any other Indian that we'll get this and that, but to this day the facilities we have are inadequate. Right now where we are flying most of our patients to Phoenix, and by the time they get to Phoenix probably they'll be dead. We'd like to have the facility right there at White River and also at Cibecue, but to this day these are not being met.

Then in the record somewhere it says that White River will get a brand new hospital in 1965, and the 1965 hasn't come yet.

Mr. Powell. Do the Indians on your reservation have any say as to what tack or what approach the Indian Health Service takes with respect to medical services on your reservation?

Mr. Bonito. I didn't quite get that.

Mr. Powell. Do you have any input into what approach the Indian Health Service on your reservation takes?

Mr. Bonito. We have the Arizona Intertribal Health Board that helps us out, but to my knowledge it's not very effective because if it was I would have not been talking like this. I would be sitting home and being comfortable. But they are not doing the work they should be doing.

Mr. Powell. Madam Chairman, I have no further questions.

Commissioner Freeman. Commissioner Ruiz?

Commissioner Ruiz. No, I have no questions.

Commissioner Freeman. Mr. Buggs?

Mr. Buggs. No questions.

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COMMISSIONER FREEMAN. Thank you very much, sir.

MR. BONITO. Could I have another word?

MR. POWELL. Yes.

MR. BONITO. Another thing I'd like to bring out is about traders on the reservation. There's sort of no control over the price or how they sell their products to the Indians. Like let's say there's three or four different stores, and let's talk about a carton of milk: One place will sell for 50 cents, and another place will sell for about 45 cents. Another place will be selling for 60 cents. I think all of these can be uniform, where all the prices are the same, because they all are close together. But they always talk about, "Well, the price is this way because of the transportation. We have to haul it from Phoenix or other areas." But I think that should be controlled.

And also some of the Indians have funds, hard-earned money, stashed in the trading post, and I don't know if this money—the interest part—is attached to the money they put in. For example, an individual deposits about $400 four years ago, and let's say today he wants to draw that money out. He will get a flat $400 back. But the interest, I wonder, where does that go? I think we should look into that because this money if it receives interest, I think it should go back to the individual Indian.

A lot of Indians on the reservation do not know how the laws work. If they understand this, probably they'll bring it out. But to this day this is what I have seen, because a lot of Indians don't take their money to the bank. They take it to the trading post. When he deposits his money, the money is going to be registered under his name, and if the interest comes in I know who is going to get it. The trader is going to get that.

COMMISSIONER FREEMAN. Thank you very much. We will look into it. You may be excused.

FROM THE FLOOR: Tell him about the sawmill.

COMMISSIONER FREEMAN. The witness is excused.

Our next witnesses are Mr. Rick St. Germaine, Mr. William DeHaas, and Mr. Cipriano Manuel.

Will you remain standing and be sworn?

(Whereupon, Messrs. Rick St. Germaine, William DeHaas, and Cipriano Manuel were sworn by Comissioner Freeman and testified as follows:

TESTIMONY OF MR. RICK ST. GERMAINE, PRESIDENT, ARIZONA STATE UNIVERSITY INDIAN STUDENT SOCIETY; MR. WILLIAM DeHAAS, COORDINATOR, INDIAN STUDENT AFFAIRS, ARIZONA STATE UNIVERSITY; AND MR. CIPRIANO MANUEL, COUNSEL, KLINAPAHA INDIAN STUDENT SOCIETY, PHOENIX COLLEGE

COMMISSIONER FREEMAN. Thank you. You may be seated.

Mr. Powell.

MR. POWELL. Would you each please state your name, tribal affiliation, address, and present position for the record?

MR. DEHAAS. My name is William DeHaas, Otoe Indian from Oklahoma. My present address is 438 North 23rd Street, Mesa. My present position is— It's a good question. I'm known at ASU as the Assistant Coordinator for Student Affairs. I am also employed half-time by the Bureau of Indian Affairs as a program assistant.

MR. ST. GERMAINE. My name is Rick St. Germaine. I am a Chippewa Indian from the Courte Reservation in Wisconsin. I am working on my doctorate at ASU. I am the chairman of the Indian Student Association at Arizona State University, also chairman of the Indian Advisory Board at the University.

MR. MANUEL. My name is Cipriano Manuel. I am a member of the Papago tribe. My address is 1115 South Lebanon Street, and I am their "token Indian" at Phoenix College.

MR. POWELL. You have some kind of position at Phoenix College. What is it?

MR. MANUEL. Several of them. And I have yet to really be clear on it.

MR. POWELL. What are your responsibilities at Phoenix College?

MR. MANUEL. I work with the Indian students.

MR. POWELL. Towards what end? What kind of work do you do with Indian students?

MR. MANUEL. It has been so varied that I— Should I name all of— I go to— If they get arrested, I go with them to court. If their funds are not forthcoming, I try to work to get their grants. And if there's problems in the home, I try to work with their problems there, too.

MR. POWELL. Are there other kinds of problems that Indian students at Phoenix College have that you haven't described? What are the range of problems? Is that a good sense of the range of problems that Indian students have at Phoenix College?

MR. MANUEL. I don't think I— You know, I haven't been there long. I have only been there 30 days.

MR. POWELL. Mr. St. Germaine or Mr. DeHaas, would you care to comment on the deficiencies in elementary and secondary education which Indians receive which makes them ill-prepared for higher education?

MR. DEHAAS. We have found at Arizona State that a lot of the students graduating from reservation high schools have an educational gap, that they are not really at the same level as the non-Indian student, and this must in some way be made up at the school through tutorial assistance and additional counseling and advisement.

We haven't developed any studies to show, what percentage of students are doing the worst, Bureau boarding school students or public school students, but there is a definite trend in freshman failures at a school like Arizona State, and it all points to a gap in their educational achievement to that point.

MR. POWELL. Mr. St. Germaine?

MR. ST. GERMAINE. The Indian students at Arizona State University, as an ethnic group, have the largest dropout rate of any ethnic minority—or any group on the campus. The dropout rate at Arizona State University for Indians is 45.7 percent, taking into consideration the year 1971 through '72.

In addition to this, we had the lowest grade point average of any other ethnic group. On a 4-point scale, our overall grade point average was 1.38. This might be seen as, you know, the basis for a high dropout rate.

Now, the school average for dropouts is approximately 30 percent.

In addition to this, our students are faced with a number of not only social adjustment problems when they get to the university but they also have cultural problems that the counselors are very ill-equipped to handle. Counselors are not adequately trained in order to handle the special and unique problems that our Indian students are having.

And, what's more, the university is making no attempts to provide these services.

After we have demonstrated over there and picketed the school, we got some action out of them. They recognized an Indian advisory board composed of Indian students that was elected by the student body, the Indian student body.

MR. POWELL. How long has that been in existence?

MR. ST. GERMAINE. That has been in existence since May of this year, at which time we presented a number of recommendations to the school. We presented them in letter form, also in recommendation form, you know, that was stipulated by the office of the dean of students, in which we have outlined a number of actions that we feel must be taken on the basis of studies that we have been able to do, you know, to make over the year.

MR. POWELL. You have this petition or however you characterize it? Can we have a copy?

MR. ST. GERMAINE. Yes, I have one copy. It's called the "Recommendations from A.S.U. Indian Advisory Board to the Office of Student Affairs," dated October 13, 1972, in which we outline 15 steps that must be taken by the university in order to bring up Indian students to a training and a social—in which, you know, they are going to be able to survive in the school.

There are separate instances that we can show that the school is, in effect, promoting an institutional racism of sorts.

Mr. Powell. Madam Chairman, can we make that petition a part of the record?

Commissioner Freeman. It will be received.

(Whereupon, the document referred to was marked as Exhibit No. 9 and received in evidence.)

Mr. St. Germaine. I presented on August 2—make that August 4, 1972—I presented a letter to the vice president of student affairs, the person that we advise through our advisory board. I presented him a list of recommendations that our Indian advisory board made. At that time we had made a study of the needs for an adjustment in the survival skills course for Indian students, entering freshmen and sophomores and juniors.

We felt, of course, through the study, that there were specific needs that Indian students have when they enter an institution such as Arizona State University where the total school population is approximately 30,000. We presented this recommendation. The vice president at that time assured us that he would look into this matter.

I'm also serving as a member of the Special Services Advisory Board, and there are statistics available to me, information that is available to me that is strictly confidential, is not open to the public. I found out through this board that, in the meantime, the vice president had instituted another similar course—it's called the survival skills course—at the university in which out of 36 members of the class 33 were university football players.

This survival skills course had been kept secret from the public. This is on record. I have documents to show this right here in the minutes of the Special Services Advisory Board meeting, and it's a matter of record that while we were appealing to the president the special needs for this course— We showed them the way that this course could be provided at a very minimal cost, done on a voluntary nature by graduate students such as myself who have master's degrees and who have teacher certificates and other things. Yet these types of things are suppressed at our university.

Mr. Powell. Mr. DeHaas, you mentioned that you were coordinator of student affairs at Arizona State University. What are your responsibilities in connection with that position?

Mr. DeHaas. This is a half-time position. It's called assistant coordinator of student affairs. The responsibilities, as outlined by Dean Shell, have been to work in counseling and advisement of Indian students, working directly—

Mr. Powell. You work directly with Indian students?

Mr. DeHaas. Yes, directly with only Indian students under Dean Shell's supervision.

Mr. Powell. What is the total student population, Mr. DeHaas, at Arizona State University?

Mr. DeHaas. We have around 270 students estimated.

Mr. Powell. 270 Indian students is that?

Mr. DeHaas. Yes.

Mr. Powell. What is the total student population?

Mr. DeHaas. Total student population is around 27,000 or 28,000 students.

Mr. Powell. 270 out of 27,000—about 1 percent?

Mr. DeHaas. Less than 1 percent.

Mr. Powell. In your opinion, Mr. DeHaas, is the university making a good faith effort to recruit more Indian students?

Mr. DeHaas. No, I don't believe so. We have just begun to talk about recruitment at Arizona State. Before, there were many efforts at recruitment, but they were not real efforts. They were haphazard and often conflicting and carried on as more of a token gesture.

Mr. Powell. Do Indians have any input into these recruitment efforts to which you are referring?

Mr. DeHaas. Have Indians—

Mr. Powell. Do Indians have any input? Are their views consulted?

Mr. DeHaas. No. Until this year the only input that Indians had in recruitment at Arizona State was one position in the ASU student senate that went on recruitment to various reservations. This one individual made recruitment trips. But there wasn't enough funding, and there wasn't enough time for a student to adequately do any kind of serious recruiting.

Mr. Powell. What about faculties? Is there any serious effort— Are there many Indian faculty members at either of your institutions?

Mr. St. Germaine. I have statistics—

Mr. DeHaas. Mr. St. Germaine has the statistics on employment.

Mr. St. Germaine. According to a minority report that was required, dated March 5, 1972, which we must recognize was the last academic year, spring of 1972, the total employment by the establishment of Arizona State University for the year 1971–72 was 5,358, of which 17 were Indians. Roughly, this is three-tenths of 1 percent of the total employment positions available to Indian people.

The majority of those positions again were semi- or unskilled laborers and operatives. We had two professionals employed who were identified as American Indians. We had one person identified as an official who was at that time the coordinator of the Upward Bound program for the Indian Division.

Mr. Powell. Would either of you, Mr. DeHaas or you, Mr. St. Germaine, describe the Bureau of Indian Affairs' program for providing scholarships to Indian students and tell us how in your opinion the BIA and the colleges could ameliorate the financial problems of Indian students?

Mr. DeHaas. The basic problem with the BIA's relationship with colleges is that all too often the colleges rely on the BIA grant as a student resource when in the Federal guidelines it is a matching source for EOG. I understand this is the last year for EOG.

But we must take a look at how the new basic opportunity grant is going to be instituted, and if it is going to be instituted on the same lines as the EOG, then the Bureau of Indian Affairs will have to come up with the bulk of the money to finance Indian students through college.

What this does is deprive other qualified Indian students from receiving financial assistance because of the BIA having limited resources. With the 10 percent cutback across the board of Federal agencies, this is also going to hit very hard in higher education budgets, so the Bureau is going to be even more restricted in the number of grants that they are going to be able to give out.

There has to be some kind of reevaluation of the responsibilities of financial aid officers at universities in order to insure that Indian students get a fair share of the EOG and national defense loans monies and to refrain from considering the BIA grant as a student resource and call it a matching source as spelled out in the HEW guidelines.

Mr. Powell. In this connection, what kind of peculiar problems do Indian students who want to go on to higher education—What kind of peculiar financial problems do they have?

Mr. DeHaas. They have a variety of problems. For the most part, the budgets that are approved are, you might say, inflexible. They go on certain guidelines which are established by norms for every college. And we found that Indian students have a need for a little bit larger budget than the average student for one reason or another—perhaps to engage a tutor in a specialized program where it's often difficult to find somebody through the tutorial pool at the school, especially like in the college of business.

Sometimes students feel an obligation to help out at home because some of their younger brothers and sisters are going without, and some of the money that they receive on the grant they secretly send back home. So they are constantly in a financial bind. There are very few students at Arizona State who are adequately funded, based on the budget that is usually determined at the college.

Mr. Powell. Madam Chairman, I have no further questions.

Commissioner Freeman. Commissioner Ruiz?

Commissioner Ruiz. With respect to the survival skills course for adjustment, did I understand you, Mr. St. Germaine, to say that this survival skills course concept for the Indians to keep them in the university and assist in their adjustment at certain levels—that it was submitted by your group, and instead of being adopted and used for your group as suggested by you was used instead for 33 football players? Did I understand you correctly?

Mr. St. Germaine. No, we didn't present the outline or the program. Instead, what they had in mind was a program of their own in which, you know, they ran 33 football players through their program. This program was held in secrecy until just several weeks ago.

Commissioner Ruiz. This was another program unrelated to yours, but you had submitted one to which no attention had been paid?

Mr. St. Germaine. Correct.

Commissioner Ruiz. And up until this moment what has happened to the one you submitted?

Mr. St. Germaine. Nothing. We have been very adamant in outlining our needs. We have showed them—

Commissioner Ruiz. That particular course— Do you have that there—

Mr. St. Germaine. Yes, I do.

Commissioner Ruiz.—Your concept that you submitted?

Mr. St. Germaine. Yes. I have a study that was made on the need for this course.

Commissioner Ruiz. Madam Chairman, may I suggest that that be made a part of the record?

Commissioner Freeman. It will be received.

(Whereupon, the document referred to was marked as Exhibit No. 10 and received in evidence.)

Commissioner Freeman. There can be no comments made from the audience. There will be members of staff who are available to help those persons who are raising their hands to appear at the unscheduled portion of the testimony tomorrow afternoon, which will be between 5:30 and 7:30.

Mr. Manuel, are there any special orientation programs for Indian students at Phoenix College?

Mr. Manuel. No, there are not.

Commissioner Freeman. Will you state your opinion as to the need for such a program?

Mr. Manuel. Yes, there is a definite need for such a program. There is a definite need for that kind of service in almost all colleges, at least the ones that I have ever had any experiences with. So it is not peculiar to Phoenix College.

I feel that there should be exceptions made, especially for Indian students when they enroll in colleges. But I have known, when I have gone through that, nobody ever really counseled with me or provided me assistance on what my aptitude called for, for certain courses that I could survive in. I have had to just flounder around.

This thing still exists at Phoenix College, and I feel that is one of the many factors in the high dropout rate or the discouragement among students or the failures of the Indian students.

COMMISSIONER FREEMAN. And it is your testimony that this problem is true in the other colleges in this State, in addition to Phoenix College?

MR. MANUEL. I feel that way, because I have, you know— This is based on my own personal experiences.

COMMISSIONER FREEMAN. We have heard earlier testimony concerning the insensitivity of some of the teachers in schools, and also concerning the fact that there are a limited number of Indians who are trained as teachers.

Do you believe that there should be—this question is directed to each of you—any special training for the Indian who wishes to go into the teaching field? And do you have suggestions as to what the colleges should be asked to do by, perhaps, the Office of Education or any other appropriate agency of HEW, to bring this about?

MR. ST. GERMAINE. I have some information—we have noticed over at Arizona State University—that is rather startling. I have outlined six programs that are available right now.

But I'd first like to answer your question by saying, yes, there are certainly special programs that Indian people need, for example, in the State of Arizona, in which Indian people themselves should be trained as professional teachers and administrators in all facets of professional and business life so that they can return to Indian communities in the cities and on reservations; in which they can provide the leadership that is very vital to Indian growth today.

But getting back to the six programs that are now very entrenched over at Arizona State University, I will name them:

We have the Center for Indian Education.

We have the Institute for Library Media.

We have the Indian Leadership Program.

The Career Opportunities Program.

The Indian Law Program.

And the Educational Opportunities Program.

Starting with the Center for Indian Education—it was developed and the purpose behind that—it was designed to train teachers of Indian children. It's as simple as that.

Now, the whole purpose of the program in training these teachers for Indian children is to make available the skills and the information that teachers need, that are required in order to handle Indian children across the country. The program is directed by, if I may, an Anglo. The assistant director is part Omaha. There are three Anglo research assistants. And there is one research assistant who is part Kiowa. The entire makeup of that program as far as students enrolled in the courses that are offered through the Center for Indian Education, 85 percent of which are non-Indian— So it seems to us that what they are doing is instituting a system whereby they are training white teachers for Indian children.

We have approached them a number of times with pleas to develop an advisory board in the area of curriculum, in program design, composed of Indian leaders throughout Arizona representing educational boards on reservations, certainly other Indian educational leaders, professional Indians throughout the State, as well as students. They have made no attempts. In fact, they have rejected our offer of this advisory board.

The Institute for Library Media was funded by the Bureau of Indian Affairs and Office of Education. Last year they were having very many problems. They had an almost total dropout of 13 students. This year they have utilized the services of the Indian Advisory Board, and we were very successful as far as recruiting the high-level student who is now experiencing success in this program, and they have directed much of their energies to Indian types of things in their program, and we are finding that they are very successful now.

The Indian Leadership Program was funded by the Bureau of Indian Affairs and Office of Education. The Arizona State University was one component of four programs that were instituted at Harvard University, at Penn State, at Minnesota, and ASU. The universities developed school administration programs, graduate programs in school administration. This was the original design of the proposal in Washington, D.C., constructed by Dr. Jim Wilson, who was at that time the director of the Indian Desk, OEO. The component that arrived at Arizona State University did not get into the department of school administration. Rather, it was directed into the department of elementary education. The students who were recruited under the promise that they were going to receive graduate degrees in school administration arrived here and found out they were now going to be training for elementary education degrees.

It's kind of worthy to note that Jim Wilson, who is the author of this program, received his doctorate degree at Arizona State University. I'm just making this information known to the Commission. He received his doctorate degree, and the chairman of his committee, his graduate committee, was Dr. O'Beirne who in turn became the director of this component at Arizona State University—of the elementary education component.

Commissioner Freeman. Mr. Buggs, do you have any questions?

Mr. Buggs. Just one question following Commissioner Ruiz's question.

Mr. St. Germaine, when this survival skills course—When you discovered that it had been instituted for essentially athletes, did you make any representation to the administration then?

Mr. St. Germaine. Yes. It's on record in the minutes of a certain Special Services Advisory Board meeting. I made it known to the Special Services Advisory Board meeting that we were indeed shocked that this other course was conducted in secrecy and we were not—you know—we were not informed that our course was not acceptable by the university.

Mr. Buggs. And what answer did you get then?

Mr. St. Germaine. I received none.

Mr. Buggs. How long ago was that?

Mr. St. Germaine. This was perhaps a month ago.

Mr. Buggs. Thank you.

Commissioner Freeman. Thank you very much. You may be excused.

The next subject area about which we will receive testimony is the administration of justice. We will now call our first witnesses on the subject. They will be Reverend John Fife, Mr. Michael Wilson, and Mr. Wallace Baker.

Will you remain standing to be sworn, please?

(Whereupon, Reverend John Fife, Mr. Michael Wilson, and Mr. Wallace Baker were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF REVEREND JOHN FIFE, PASTOR, SOUTHSIDE PRESBYTERIAN CHURCH, SOUTH TUCSON, ARIZONA; MR. MICHAEL WILSON, STUDENT, UNIVERSITY OF ARIZONA AND BOARD MEMBER, AMERICAN INDIAN ASSOCIATION; AND WALLACE BAKER, ESQ., ATTORNEY-AT-LAW AND PART-TIME MAGISTRATE, CITY OF PHOENIX, ARIZONA

Commissioner Freeman. Thank you. You may be seated. Mr. Powell.

Mr. Powell. Beginning with the gentleman on my left, would you each please state your name, address, and occupation for the record?

Mr. Baker. My name is Wallace J. Baker, Jr. My address is 8617 North 12th Avenue, Phoenix. I am an attorney-at-law and magistrate of the city of Phoenix City Court.

Reverend Fife. My name is John Fife. I am pastor of Southside United Presbyterian Church in Tucson. My address in Tucson is 305 West 23rd Street.

Mr. Wilson. My name is Mike Wilson, Papago, 580 South Main

Avenue, city of Tucson. I am the acting director of the Papago Cultural Research and Halfway House.

Mr. Powell. Mr. Fife, how long have you lived in Tucson?

Reverend Fife. Three years in Tucson, sir.

Mr. Powell. Mr. Wilson, how long have you lived in Tucson?

Mr. Wilson. Approximately 10 to 12 years.

Mr. Powell. Mr. Baker, I understand that you have been very active representing Indians in the Phoenix area and that you have had substantial background as a law professor and as an attorney-at-law in Cleveland. Is that correct?

Mr. Baker. Yes, that's correct, sir. I spent 7 years teaching at the University of Arizona College of Law; active in the field of Indian law, and was a lecturer on the Indian Civil Rights Act once it was adopted; have been a lecturer at the National Indian Police Academy while at the university and while here in Phoenix; and after leaving the teaching profession and entering private practice here in Phoenix I have represented, I suppose, hundreds of Indians as a private attorney. I wanted to carry that one step further and became a part-time magistrate of the City of Phoenix Court, I think I can explain that later.

Mr. Powell. What are your responsibilities as a part-time magistrate?

Mr. Baker. Well, the City Court has a tremendous caseload. We have full-time magistrates, and to help, particularly with the DWI cases, we have five or six part-time magistrates who try to devote one or two days a week to the court system. As I say, we usually, mainly, try DWI jury trials and handle the regular traffic load.

Mr. Powell. Mr. Baker, in your opinion, what are the major legal problems which Indians face outside of the area of the administration of justice?

Mr. Baker. Well, as you know, they are legion. May I just start with a preface to that problem?

Mr. Powell. Please do.

Mr. Baker. The city of Phoenix has a very fine Legal Aid Society, but, unfortunately, it is understaffed and the demand is great. For that reason many of the Indian clients who have civil problems are unable to get the attention they really need from Legal Aid.

We also have a very fine legal reference service in Phoenix where an individual can go to the bar association and request the services of a private lawyer, but, unfortunately, many of the Indians are totally unaware that this service is available.

As a consequence—And I might add, incidentally, to my knowledge we have no Indian lawyers in the city of Phoenix in the private practice of law and very, very few in the entire State.

So it comes down really to either not getting representation or there are a few like myself who try their best to take care of as many Indian people as possible, along with our regular practice, and I probably take care of as many or more than anyone.

But specifically on the problems, now, I don't think they are any different than the problems of the general economic level or educational achievement of other people. They do fall into rather definite classifications, however. Because of the economic level of many of the urban Indians, they are plagued with credit problems. The finance companies in Phoenix I think overextend a great many of the Indians, not necessarily Indians, but people of that economic level, and as a consequence they have been able to borrow many, many times more than their income would justify.

And with that, of course, the only solution is bankruptcy. So they go from the loan companies through the bankruptcy court.

They have a great many problems with the natural tendency to share wealth. When one of the urban Indians gets a good job and is making money, the tendency is to send a good deal of that money home, or, if his relatives come to Phoenix, to financially sustain the relatives. In many cases this results in co-signing notes. So they are not only taking out loans for themselves but they are co-signing for relatives and friends on the basis of their employment, and this turns out to be disastrous.

They have the normal problems with door-to-door salesmen.

And then, of course, domestic relations.

But I think probably the biggest problems are in the field of credit and in the field of, oh, perhaps, automobiles, generally revolving around automobiles; purchasing automobiles, having them repossessed, and the problems that go with that.

Mr. Powell. I take it that in the course of your representation of a large number of Indians you have had contact with the Phoenix Police Department? Is that correct?

Mr. Baker. Yes, I certainly have.

Mr. Powell. For what offenses are Indians most frequently arrested in the Phoenix area, Mr. Baker?

Mr. Baker. Well, I suppose far and away the greatest number of arrests are for the offense of what is now called public intoxication. It used to be drunk and disorderly until recently. So that far and away overshadows everything else.

There are some arrests for drinking from open containers.

There are some for vagrancy, although I think we have pretty well put a stop to that type of arrest.

There are very few Indian arrests for serious crimes. Very few.

Mr. Powell. To what do you attribute such a high rate of arrest for intoxication? Does this generally occur in a particular part of the city?

Mr. Baker. It certainly does. It occurs in the—what is called the "Deuce area" or the downtown area. I don't think it can be in any way said that the police are singling out Indians, although of all of the females that are arrested in Phoenix, 50 percent are Indian, and of all the males that are arrested in Phoenix, about 25 percent are Indian. Whether this is the cause or the effect I don't know, but the statistics are fairly accurate.

Why are they arrested? I think the major reason is that the Indians generally are of an economic level that they can't afford memberships in country clubs or other private places, and as a result they tend to congregate in the downtown bars, and after they have been drinking for a while they come out and the police are standing right there with the wagon, and they just go from the bar to the wagon to the police station.

As to why they are arrested, they are obviously intoxicated. What leads to that is a whole other matter.

Mr. Powell. What kind of facilities are they generally taken to when they are arrested?

Mr. Baker. Well, the person who is picked up on the street for public intoxication is taken to the downtown station, and one of two things happen: If he is not terribly intoxicated, he may be released to a relative or to his wife if they will come down and get him; barring that, he is put in the drunk tank, holding tank, for the night, and in the morning he is brought down before one of our magistrates for what is called jail court.

Now, not too long ago, before I was on the bench, I represented a number of these people who were being charged in city court. And it got to the point where I finally had to bring—in my own conscience—had to bring a habeas corpus action for an Indian woman who had been arrested, through that time, 95 times for drunk and disorderly. And this was in the period of her lifetime in Phoenix. The treatment that was accorded the intoxicated Indian at that point I felt was just unconscionable.

As a result of that case, after we spent 3 full days in court with the chief of police, who was a very fine and dedicated man, and as a result of that hearing—which I lost, incidentally—the court held that intoxication—not intoxication—that alcoholism was not a disease under our classification of disease in Arizona—the police chief was moved to put pads in the drunk tank so that the people who had to spend the night there were no longer forced to sleep on the cold concrete. That I thought was a victory.

They decided to try and improve the rabbit tank out in the compound. Out there the Indian for whom I was complaining had to sleep on the floor on a mattress, although he had arrested TB.

And they have now ordered bunks for the holding tanks out there.

So things are really improving. They are trying to improve, but there is a terrible lack of money.

Mr. Powell. Did you say the judge held alcoholism is not a disease?

Mr. Baker. Yes, sir.

Mr. Powell. And what was the effect of that holding?

Mr. Baker. Well, the effect of that holding was that Mrs. Cook had to remain in city jail. And I have the opinion of the court—

Mr. Powell. But you characterized that as a victory, I thought.

Mr. Baker. Well, no, not at all.

Mr. Powell. I see.

Mr. Baker. But as a result of that hearing, conditions were greatly improved in the city jail.

Mr. Powell. I see.

Mr. Baker. That, in effect, was our victory resulting from the bringing of the suit. Incidentally, this condition won't last much longer, because in 1974 alcoholism will be recognized as a disease, and people who are arrested for public intoxication will be treated as having a disease and will no longer be arrested and treated as criminals.

Mr. Powell. That's a result of some legislative provision?

Mr. Baker. Yes, finally that is a legislative decision, yes, sir.

Mr. Powell. What steps do you think should be taken to improve the conditions of Maricopa County jail, Mr. Baker?

Mr. Baker. I think Chief Wetzel is doing everything he possibly can with the financial limitations he has to improve the conditions of the jail. What they desperately need, of course, is a new jail. But they have improved the two facilities that Indians find themselves in most—that is, the drunk tank and the compound—and, other than a completely new facility, I'm just unaware of what could be done to improve the position of the prisoner—physically, that is.

Mr. Powell. Thank you very much, Mr. Baker.

Reverend Fife, in your capacity as minister of the Southside United Presbyterian Church, are various problems facing the South Tucson Indian community brought to your attention?

Reverend Fife. Yes, sir.

Mr. Powell. What percentage of your congregation is Indian, Reverend Fife?

Reverend Fife. Approximately a quarter—25 percent.

Mr. Powell. What kind of problems have you found Indians in your congregation have? What kind of problems do they encounter?

Reverend Fife. The problems range across the whole spectrum of topics—health care, administration of justice, education, economic problems. You can just about run the spectrum. We live in a poverty community. All the problems are indigenous to that sort of thing.

Mr. Powell. Thank you.

Mr. Wilson, you are a member of the South Tucson Indian Center Board of Directors, are you not?

MR. WILSON. Yes, I am.

MR. POWELL. How long have you been affiliated with this center, Mr. Wilson?

MR. WILSON. Approximately since 1964, but I became a member of the board just this past April.

MR. POWELL. We have heard something of the Center's functions in earlier testimony; they deal with community problems, problems of Indians in the community. Mr. Wilson, would you please describe some of the law enforcement problems facing Indians in the South Tucson area?

MR. WILSON. Before I start that, I just have a couple of comments to make concerning this body. The American Indians that have come today and that have testified so far, have come in good faith believing that the American judicial system of which this body is a representative is sensitive—

MR. POWELL. We are not a judicial body, Mr. Wilson. We are not a judicial body.

Please continue.

MR. WILSON. Well, you are representative of the Justice Department, are you not?

MR. POWELL. No, we are not representative of the Justice Department.

May I explain who we are and what our function is?

MR. WILSON. Yes, please.

MR. POWELL. The United States Commission on Civil Rights is a fact-finding commission. Its members are appointed by the President, confirmed by the Senate. We are a rather unique organization. I suppose that the closest thing that you could characterize us is a legislative—It's not really legislative, but it's part of the legislative function. We are engaged in fact-finding. Once we find those facts, we will report our findings and make our recommendations to the President, but, more importantly, Congress.

As a result of our recommendations, Congress in its wisdom, might see fit to enact legislation which we recommend. As a result of our recommendations, the President might see fit to issue executive orders. He might see fit to change policies within the confines of the law requiring cabinet members to carry out their programs differently.

So in that connection we are not a judicial body. We are not even—We don't even have the power of legislation. We do have the power of shedding light on problems and making recommendations about people's problems.

It's in that connection that we are here now, and if you have some comments on that—

MR. WILSON. Yes, I do, and, as I say, in good faith we come, but I think after so many centuries of hearing promises and recommendations from the Federal Government, of which this body is a representative, I think it's the consensus of the American Indians that we don't have a—

MR. POWELL. You speak for all the American Indians?

MR. WILSON. No, I don't.

MR. POWELL. All right.

MR. WILSON. Well, personally, I do not have faith in this body. I think that I would like to have faith that this body has good intentions to bring about social changes, but it's been my experience just this past summer that my faith in the American judicial system was greatly shattered, and I come to this hearing very dejected and somewhat bitter because of my past experience, specifically concerning the case of the death of an Indian brother by the name of Philip Celaya.

And since July 1, the Papago Cultural Research and Halfway House, we have just been given the run-around. We have gone to court. We were told that the Justice Department came in, investigated. We were told the FBI came in, investigated. But so far we haven't—They haven't come directly to us except for, you know, this meeting tonight.

But since July 1 it's as if the death of Philip Celaya has been a very casual occurrence.

MR. POWELL. You don't think the circumstances surrounding his death were adequately investigated? Is that it?

MR. WILSON. Exactly. I don't intend to be arrogant before this body. It just is my arrogance is born out of frustration. I think such frustration or desperation is conducive to demonstrations, to sit-ins, to occupations of BIA facilities.

As I said, in good faith I would like to believe that this body is going to initiate some type of social change via judicial change.

MR. POWELL. I'm sure that the Commissioners are certainly going to try. Whether they are going to be successful or not I don't think anyone can predict the future. But in the past the recommendations of this Commission have, on balance, been implemented. Some 75 percent of, oh, I'd say over 100 recommendations or more have been implemented. All that we can do is do our best. That's why we are here.

MR. WILSON. Thank you very much.

MR. POWELL. You wanted to speak to the law enforcement problems of the South Tucson area?

MR. WILSON. Well, South Tucson and also it's bigger than just South Tucson. It's particularly the Pima County sheriff's department. South Tucson is a very small city within a city, within the city of Tucson. Tucson is the capital of the county of Pima.

Mr. Powell. You want to speak to the broader problems of the county? Is that it?

Mr. Wilson. I think it would be better to attack it there because in South Tucson there is just a small percentage of Papagos, you see, in comparison to the whole county.

Mr. Powell. In your view, what are some of the problems which occur?

Mr. Wilson. Specifically, such as the Pima County—the deputy sheriffs in Ajo deliberately intimidating the Papagos in Ajo following the death of Philip Celaya.

On the 1st of July, a friend and I drove directly to Ajo. We drove directly to the Pima County substation. We spoke to the county investigators. They were very diplomatic and very cordially said, "Yes, come on in. We'll discuss it."

And we were told that the death of Philip Celaya was just a very cut and dried case, that Philip resisted arrest, drew the deputy sheriff's pistol, that there was an exchange of fire, and that Philip was unfortunately the one to die.

The way that the investigator described it was that it was just a very cut and dried case and that he hoped that the two of us would not go back to Tucson, you know, and create trouble.

So from there we went and we spoke to some of the witnesses, to the family, and we came up with opposite conclusions surrounding the circumstances that led up to the death of Philip Celaya.

So the following day we drove back to Tucson. We started a meeting to plan some type of protest. I think it's the feeling of the sheriff's department that Papago Indians are docile, that they are subservient. I think this is one of the myths of the white men—is that Indians, you know—that because they don't resist it's just that they are subservient. Anyway, we dragged the thing on for about a month, but to no avail. We were repeatedly defeated in the courts. And—That's all.

Mr. Powell. Well, there is—at least there was—a member of the Civil Rights Division, Department of Justice, here earlier. I don't now see him. Is he here?

(No response.)

But, in any event, the one thing that the Commission can do about this matter which I see is of such concern to you and other members of the Indian community is that we can refer the matter to the Department of Justice and request that it make an investigation. And, I don't know—I'm not sufficiently familiar with the details of the extent of what investigations have been made before—I do understand that State investigations were made.

Mr. Wilson. The thing is that our body—you know, the Pima County Police Department—they conducted their own investigation, which to the Papago Cultural Research and Halfway House constitutes a conflict of interest—one body investigating itself. And—

MR. POWELL. Has there been a Department of Justice investigation of the matter?

MR. WILSON. I think there has been, yes, but it took the NAACP—They tried to help us, and they wrote to the office of the State Attorney General requesting that his office commission a separate investigation, and the State Attorney General replied that he felt that Pima County was very capable of conducting an impartial and fair investigation, which to us at the State level, that was a—

MR. POWELL. We are going to have the Attorney General here tomorrow. We will have an opportunity to inquire of him about this matter.

MR. WILSON. On one more point, if I may—it's paramount concerning this case—is that we got to this grand jury of one it's called, and the county pathologist who performed the autopsy was asked if a paraffin test—well, the paraffin mold of the victim's hand had been taken. This was very important because the deputy sheriffs that killed Philip Celaya, they based their shooting on a strictly defensive motive, that they were returning fire, and, therefore, this was the basis for the justifiable homicide ruling, and so the county pathologist replied that, yes, the paraffin mold, it had been taken of the victim's hand. And so the county pathologist was asked if the test had been conducted yet. And at that point the Pima County—the chief criminal attorney for Pima County—replied that the paraffin test was not taken because it was too expensive, to the amount of $2,000, which to us was, you know, justice is too expensive.

It's somewhat ridiculous for the chief criminal attorney to tell us that, but we were very—We were trying to fight this practically by ourself, but we weren't that familiar with the legalities involved, you know, $2,000 is a lot of money. And, see, if the chief criminal attorney for Pima County says it's too expensive to conduct, you know—We were ignorant enough to believe him.

And the most important thing is that Phil's death was ruled justifiable homicide because the deputy said that Philip had fired the pistol first. You see, a pistol—If Philip had shot the pistol first, there would be chemical traces, you see, on his arm. And so this paraffin—The mold was taken, he said, the firing arm. But it got as far as that grand jury investigation and the county pathologist said that, no, it was not taken because the Pima County attorney's office had not requested it to be taken.

MR. POWELL. Thank you very much. Very interesting statement.

Mr. Fife, speaking now about the problems, law enforcement problems, in South Tucson—this is going to be my last question before I turn it over to the Commissioners—but just for the purpose of trying to get some of that into the record, what are the problems? What are the kinds of law enforcement problems?

REVEREND FIFE. Well, Mike and a group of young men last year who did some research in the courts in South Tucson, found that Indians were being arrested and charged in that municipality at a rate approximately four to five times their population percentage.

At that time, the South Tucson municipality had the practice of employing prisoners to collect their garbage. The prisoners were used as labor gangs on the garbage trucks to collect municipal garbage.

MR. POWELL. Was this prisoners in general or just Indian prisoners?

REVEREND FIFE. Well, they were prisoners in general, but as it turned out, no one ever saw anybody but Indians working those garbage trucks. No Mexican Americans, or blacks, or Anglos were ever seen working those garbage trucks. They were always Indians.

The allegations in the community were—this is very hard to substantiate—but the allegations in the community were that there was probably a quota system operating where the garbage trucks had to be manned so that so many people had to be picked up on drunk and disorderly in order to man the garbage trucks.

You know, the problems are almost legion.

Allegations come to my attention constantly of Indian young people being picked up when they are in altercations with people of any other racial minority groups, and it's only the Indian young people who are arrested. The other young people are let go.

You have to understand the municipality of South Tucson. It covers a one square mile area, and in that one square mile area there are, I believe, 54 bars. So we have a number of problems unique to the municipality there which present a lot of problems unique to law enforcement.

MR. POWELL. Are Indians typically represented by counsel when they are arrested?

REVEREND FIFE. No, no, not at all. They are not represented on the police force. As a matter of fact, no residents of that municipality are represented on that police force in any great numbers. The police chief doesn't even live in town. Other members of the police force don't live in the municipality. The town manager doesn't live in the municipality. So you can see we have some unique problems there in terms of law enforcement.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Mr. Wilson, I just want to reassure you that your testimony concerning the Celaya shooting contains some very serious allegations that raise questions about whether Federal law was violated. We will ask that that portion of the transcript relating to your statement be transmitted immediately to the Justice Department with a request for a report.

Mr. Baker, I would like to ask you several questions, especially since you are a lawyer.

You have used the phrase "drunk tank," and I wonder if you will describe that a little bit more for me.

MR. BAKER. Well, I think every jail that I am familiar with has one big room in which all the people picked up for intoxication are placed until they are brought before the magistrate in the morning. It's rather degrading. Actually, it's a rather degrading experience.

And they are held in this one big room until they are brought down around five—well, between six and seven in the mornings to jail court. And it's nothing but one big room with bars and cement floor.

COMMISSIONER FREEMAN. Will you tell us what is the usual disposition—First of all, the person who is arrested and charged with public drunkenness, is it correct that that person usually is not represented by counsel? Is that correct?

MR. BAKER. Yes, that is correct. Well, up until recently, for a long time I could just count on every Saturday night being up between 3:30 and 5:30 because they would call and ask what to do—that is, the clients. And the only thing you could tell them to do going down Sunday morning for jail court would be to plead not guilty.

As a matter of fact, on a good Sunday there will be approximately a hundred brought in for public intoxication. About 1 to 2 percent of those will actually plead not guilty. The rest then are—The 99 percent go off to jail.

But on representation, if they don't have a private lawyer, and ninety—well a hundred percent of them didn't—they just faced the magistrate without any legal counseling.

Now, recently, because of the Supreme Court ruling, we have a public defender who is assigned to jail court, and he will handle the case of any indigent who requests the services of a lawyer.

It's turning out, however, that the vast majority are still pleading guilty and not taking advantage of the counseling of the public defender.

COMMISSIONER FREEMAN. Well, I was going to bring to your attention the Supreme Court decision in *Argersinger* v. *Hamlin*, 407 U.S. 25, because it is incredible if the entire State of Arizona is violating the civil rights of these persons in confining them to jail without counsel.

MR. BAKER. Yes, I don't mean to give the impression that—They do now have— When they come to court in the morning after being picked up at night, there is a public defender assigned to traffic court and as the defendant comes before the court he is asked if he wishes to plead guilty or not guilty. If he wishes to plead guilty and wishes to waive the right to counsel, that is put on a stamp which I have here, and then he pleads guilty and goes on his way to jail or is released with a suspended sentence.

If he wishes to plead not guilty—and he has to make that choice—then he will be assigned a public defender if he wishes one.

COMMISSIONER FREEMAN. I'm still a little disturbed because there may be a possibility that the public defender in some instances may just be used to facilitate the road to jail. Is that a possibility?

MR. BAKER. In what respect, Madam Commissioner?

COMMISSIONER FREEMAN. Are there some public defenders—And, of course, as you perhaps know, through the years there have been some public defenders who have been so perfunctory in their representation of a defendant that they need not have been there in the first place.

MR. BAKER. No, I don't think that is true at all of the Maricopa County Public Defender's office. I have had them appear before me as a judge; I have had occasion to work with them as a private lawyer, and I think they are a very dedicated group and a very aggressive group of lawyers. I feel a hundred percent they are defending the rights of indigents. I don't have that experience at all in Phoenix.

COMMISSIONER FREEMAN. Is it your testimony, then, that the persons who are sentenced to jail for public drunkenness are receiving due process?

MR. BAKER. I don't know really where to start answering that question. I think it starts really the night before with the more serious question of: Should they be arrested at all?

COMMISSIONER FREEMAN. This is the point. I am going to ask: Does the organized bar of Arizona have any concern as to whether this should be a law in the first place?

MR. BAKER. I can't answer your question. I can only answer it as it relates to me and the attorneys—

COMMISSIONER FREEMAN. You as an attorney—

MR. BAKER. Yes.

COMMISSIONER FREEMAN. —who I believe has a reputation for being perhaps a civil rights attorney.

MR. BAKER. Yes.

COMMISSIONER FREEMAN. What is your opinion in this matter?

MR. BAKER. As to whether or not they should be picked up for drunkenness?

Commissioner Freeman. Yes—whether this is an offense that actually should be an offense against the State.

Mr. Baker. All right. Let me answer it by saying that I really can't make up my own mind, Madam Commissioner, for this reason: If you take an intoxicated person—and let's make it an Indian since we are concerned primarily with Indians—

Commissioner Freeman. We seem only to get intoxicated Indians in jail.

Mr. Baker. Many, many of them are. That's right. The largest percentage are. But the question is: What is the alternative? If you get an Indian who is intoxicated Saturday night and stumbles out of a bar, you have two alternatives—or three. There will be a third one next year in 1974 of treating him as having the disease that he does, the illness that he does, But right now, what is the alternative? You either leave him alone—disregard him—and if you do that, then he is likely to be rolled or stabbed or beaten up by the people in the Deuce area who are less intoxicated than he is. This is a terrible fate for the person who is intoxicated.

The other alternative is to pick him up and take him to jail and put him in the legal process which I have described.

Now, which is worse? I think only you can make up your own mind. I personally feel that perhaps between those two alternatives at the moment the best is to take him off the street for his own protection.

Now, what we do with him after he is picked up, I think, could be improved upon. But certainly I don't think the answer is to disregard his condition and ignore him and subject him to the fate that I have just described.

Commissioner Freeman. Of course, I suppose I'm a little troubled by the "what we do with him" context of the statement, and that the "we" is a jurisprudence that excludes the Indian. In other words, he is sentenced, he is judged and sentenced, by persons who are non-Indians.

Mr. Baker. That's true, and if the vast majority—

Commissioner Freeman. By laws that are made by persons who are non-Indian.

Mr. Baker. Yes. I certainly agree. And in many cases in a structure that he is completely—that is completely foreign to him, that he can't understand. He very frequently has a language problem so that he doesn't actually understand what is being said to him.

In many cases he is still so under the influence that although you wouldn't classify him as being actually drunk in most cases at that point, he is still just one or two hours away from having been picked up, and I think there is certainly a great deal of room for improvement in this process.

We have recently authorized the hiring of a Navajo interpreter which will at least help in the Navajo—with the Navajo people.

COMMISSIONER FREEMAN. That will just let him know why he is in jail—

MR. BAKER. That's correct.

COMMISSIONER FREEMAN. —but it won't keep him out.

MR. BAKER. That's exactly correct. And the only answer, of course, in keeping him out does not lie with the administration of justice. It's a far bigger problem involving lots of other agencies. But until he loses the need for drinking and is able to disperse from that Deuce area, we're only dealing with the symptom and not the disease—we, the lawyers.

COMMISSIONER FREEMAN. It seems to me that the legal profession here in this State has a challenge and that it ought to be looking at its laws.

Mr. Buggs?

MR. BUGGS. I don't quite understand. I'm not an attorney. I look at an awful lot of television I suppose, and when a person is arrested I always hear the officer say, "Don't say anything—you have the right to counsel." Now, I suppose you can't talk to a drunk man. He probably doesn't know what you're saying.

MR. BAKER. That's true.

MR. BUGGS. But when he gets to the court, isn't the critical point his plea?

MR. BAKER. Yes.

MR. BUGGS. Why, then, does the court not assign the public defender before he makes a plea?

MR. BAKER. I think you have struck on a very critical point, Mr. Buggs.

(Applause.)

MR. BUGGS. Is there something that could be done about that?

MR. BAKER. Madam Commissioner has raised this point too. What is the alternative? If in fact we postulate that he was intoxicated when he was picked up, what is the alternative to pleading guilty?

MR. BUGGS. At least he has counsel to tell him what he ought to do.

MR. BAKER. That's true.

MR. BUGGS. That's what a counsel is for.

MR. BAKER. And perhaps the procedure could be turned around so that he has counseling. But when you realize— I'm not excusing this, and I think there is a definite need for improvement. We do have a vast number of prisoners that come down in the morning, as I say, anywhere from 80 to 100, and it's just running through one after another.

MR. BUGGS. And I suspect that with the mass arrests of that kind that it's awfully likely that sometimes Indians are arrested who aren't intoxicated at all.

Reverend Fife. Mr. Buggs, if I could—I'm pastor of a very small congregation. And even less than that is Indian, only about 25 percent of my congregation. In recent history, my congregation, within the last 10 years, two men, Papago men, members of my congregation who have been arrested by the police for public intoxication, have died as a result, direct result, of their handling during this process which we have been so intellectually discussing and legally discussing.

One man in recent history, within the last 4 years, was arrested by the Tucson police. He was a very old man. While sitting on a street corner—this man had broken his hip—they arrested him for public intoxication. And by this man's family I have learned that that man had not touched a drink for at least 35 years. He had been stone cold sober. They arrested him for public intoxication, took him to jail. He spent a day and a half in jail before his family was even able to find out where he was. They were frantically searching all the hospitals and places for him.

When they finally did find him, discovered that his hip was broken and got medical care for him, he died in the hospital, never came out of the hospital.

Another man, previous to that, died as a direct result of being beaten in that drunk tank we talked about so eloquently this evening—after being arrested for public intoxication.

Part of Mike's bone of contention with commissions on civil rights and human relations, my congregation tried to take that before the Tucson Commission on Human Relations—the last case, the man with the broken hip who was arrested for public intoxication: They were told that the Commission on Human Relations couldn't deal with that case because the man had an arrest record for public intoxication.

I looked up that arrest record for public intoxication. He was arrested once in 1929 for public intoxication. The Tucson Commission on Human Relations in 1967 didn't want to take that man's case on complaint against the Tucson Police Department because he had such a record.

It's this sort of experience of a very small congregation in a very small area of our city. If you project that experience—two men dead as a direct result of contact with this process we have been talking about—if you project that figure to a total population, you get some idea of the enormity of the problem we are referring to at this point.

Mr. Buggs. Well, it certainly seems to me that it is reasonable to assume that if a group of people get a reputation, deserved or not, of always being drunk, the natural consequence of that kind of stereotype is that any time an Indian is seen walking out of a bar one assumes that he is drunk and they put him in jail. And then they ask him if he is guilty before he has counsel, and he says "yes" because he may or may not know what he's being asked, and off he goes to jail.

I can see why Mr. Wilson gets frustrated. And let me say to you that you aren't arrogant at all. I don't think anyone on this panel thinks you are. I think you were acting or reacting in a very normal way.

I would only say that frustration certainly never leads to the resolution of problems, and it's going to take young people like yourself to keep coming to places like this and to other places and saying the things you did before any changes are going to be made.

(Applause.)

MR. POWELL. One of the Indian members of our SAC mentioned that often when an Indian is asked if he wants counsel, the only "council" that he knows is his tribal council.

MR. BAKER. May I make one comment on that? As you know, the Civil Rights Act of 1968 provided for the appointment of counsel, or at least the availability of counsel, in criminal cases. I have been trying to push for the representation by counsel in civil matters in the tribal courts. And in spite of what I think is the clear language of the Civil Rights Act of 1968, the Salt River Tribe and the Colorado Tribe, just to name two, still will not let an Indian bring in an outside lawyer to represent him in the tribal court. So this is an area I think the Civil Rights Commission could well take some action in.

We have been referring most of our questions to the urban area, but when you get tribal courts in close proximity to urban centers, as the Colorado Tribe is and the Salt River Tribe is, I think they should be entitled to counsel. And not only are they prohibiting it, but the tribal attorneys for both tribes have recently filed a brief in Federal Court saying that the Civil Rights Act of 1968 does not provide that as part of due process under the law.

So I would ask you to check into that.

MR. POWELL. Such inquiries as we have made suggest that there are a number of Indians, particularly tribal leaders, who feel that, if the 1968 act were to be construed as you say it should be, that that would be a substantial infringement upon the jurisdictional authority of tribes to conduct their affairs in accordance with their own sense of justice. I don't think at this point we are sufficiently familiar with this problem to have a judgment, but we certainly will look into it.

MR. BAKER. I would just ask that that be done, yes.

COMMISSIONER FREEMAN. Thank you very much. The witnesses are excused.

Our next and final witnesses for tonight are Mr. Philip Tsosie, Dr. David Giles, and Mr. Albert French, Sr.

Will you come forward, please? Will you remain standing, please?

(Whereupon, Mr. Philip Tsosie, Dr. David Giles, and Mr. Albert French, Sr., were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. PHILIP TSOSIE, DIRECTOR, SOUTHWEST INDIAN YOUTH CENTER; DR. DAVID GILES, ASSISTANT DIRECTOR, SOUTHWEST INDIAN YOUTH CENTER; AND MR. ALBERT FRENCH, SR., PRISONER-PAROLE COORDINATOR, INDIAN DEVELOPMENT DISTRICT OF ARIZONA

COMMISSIONER FREEMAN. Thank you. You may be seated.

Mr. Smith will be asking the questions.

MR. SMITH. Mr. French, would you please state your name and occupation for the record?

MR. FRENCH. My name is Albert French, Sr., and I am the Prisoner and Parole Coordinator for the Indian Development District of Arizona.

MR. TSOSIE. Philip Tsosie, the Director of the Southwest Indian Youth Center.

DR. GILES. Dr. David Giles, the Associate Director, Southwest Indian Youth Center.

MR. SMITH. Mr. Tsosie, would you please briefly describe for us the functions of the Southwest Indian Youth Center?

MR. TSOSIE. Yes. The Southwest Indian Youth Center is a rehabilitation center for Indian youth, Indian males, between the ages of 13 and 21.

MR. SMITH. And you are referred inmates from how large a geographical area?

MR. TSOSIE. All of Arizona plus New Mexico, Utah, Nevada and California.

MR. SMITH. And you have 71 slots at this time? Is that right?

MR. TSOSIE. Right.

MR. SMITH. Are there any other facilities of this kind available to reservation Indians in the Southwest?

MR. TSOSIE. No.

MR. SMITH. Are there any facilities of this sort available to women, Indian reservation residents, at all?

MR. TSOSIE. No.

MR. SMITH. What about facilities on reservations? Are there any facilities on reservations especially for juvenile offenders?

MR. TSOSIE. Nothing other than the tribal jails that I know of.

MR. SMITH. What are the sources of the funding for the Southwest Indian Youth Center? Would Dr. Giles like to answer that?

DR. GILES. The Southwest Indian Youth Center is funded by multi-sources. All of them fund under the amount that is required to keep a student there. The Bureau of Indian Affairs. The State Department of Vocational Rehabilitation. The Manpower Development Branch of the Labor Department was a former funding agent of this project. A number of counties in the State of Arizona fund. The State of Nevada funds.

MR. SMITH. Isn't it correct that basically 85 percent of your funding is through the BIA?

DR. GILES. At least 85 percent.

MR. SMITH. Isn't it also true that this funding source imposes upon your operations the limitation to reservation residents? In other words, you cannot service off-reservation residents?

DR. GILES. That's correct.

MR. SMITH. Does the Southwestern Indian Youth Center receive any financial support directly from the State of Arizona?

DR. GILES. From the State Department of Corrections and from the State Department of Vocational Rehabilitation. However, only for those residents that live off reservation.

MR. SMITH. In other words, it's an individual funding for identified persons?

DR. GILES. Right.

MR. SMITH. But you don't receive any block grant of support from the State?

DR. GILES. None at all from the State.

MR. SMITH. Can you tell us why the State doesn't offer financial support?

DR. GILES. Our understanding as we approach governmental agencies in the State of Arizona is that Indian people are not taxpayers in the State of Arizona in the sense that they are taxed on reservation. Therefore, they are not entitled to the services of the State of Arizona. For example, the State industrial school is closed to Indian young people who commit offenses on reservation.

MR. SMITH. In other words, the State feels that because reservations are not a tax-generating base that the residents of those reservations are not entitled to State programs, State funds?

DR. GILES. I think that's a correct summary.

MR. SMITH. What, then, has been the experience in obtaining funding from Federal sources?

DR. GILES. There is a great deal of difficulty there. Under the present administration there has been a tendency to regionalize all funding. As a result, State plans are required in order to qualify for regional funding. The State of Arizona views Indian people as non-taxpayers, therefore largely excluded from State plans. And as a result, in previous administrations Indian people have had to seek out discretionary money at a Washington level that is no longer there. You now have to go after regional money, and the population is excluded.

Mr. Smith. So, in other words, you find on one hand the attitude of the State that directs you towards the Federal sources, and, on the other hand, the attitude of the Federal Government that directs you toward local sources?

Dr. Giles. Exactly.

Mr. Smith. You recently mentioned to staff members an incident involving a direct grant from the National Institute of Mental Health. What was that about?

Dr. Giles. There is discretionary money available in the National Institute of Mental Health of the Department of Health, Education, and Welfare. We found that after a site visit was held by a group of qualified researchers, their group of site visitors at a Washington level, that the State of Arizona apparently has applied pressure through the region stating that the State of Arizona was not consulted in the matter of this grant and there is a pressure being applied in the National Institute of Mental Health to revoke the grant.

Mr. Smith. In other words, on one hand the State told you that you should seek funds elsewhere, but when you received direct funding elsewhere the State complained that it had not been a conduit for those funds?

Dr. Giles. That's correct.

Mr. Smith. Aside from financial assistance, have you received cooperation from local government in the administration of your programs?

Dr. Giles. Are you talking about local law enforcement.

Mr. Smith. Yes.

Dr. Giles. Sometimes yes. Sometimes no. If a young person who is under 18 years of age, commits an offense, most counties say they are under prior jurisdiction of a tribal court and refuse to provide any service in the form of either law enforcement or in the form of services available to somebody who has been convicted of a crime.

In the case of the students that we have who are over 18, it varies. Sometimes yes. Sometimes no. If a young person is assaultive and a danger to the rest of the students in his population, we have had difficulty getting law enforcement to protect the other students in the center. They say it's an internal matter; they are all tribal referral; it should be handled there.

Mr. Smith. Mr. Tsosie, you stated that— You might not have stated this, but isn't it true that your program has halfway houses located throughout the city of Tucson?

Mr. Tsosie. That's true.

Mr. Smith. What responses have you received from members of the Tucson community in neighborhoods where halfway houses are located?

MR. TSOSIE. With one exception we have been received quite well within the community in which our halfway houses are located.

MR. SMITH. Do you want to tell us something about that recent exception?

MR. TSOSIE. Right. There was a petition signed by members of the community within which we had hoped to locate one of our halfway houses, and they went to the zoning committee and to the city attorney in Tucson trying to keep us out of that community.

MR. SMITH. Let's turn our subject to another form of correctional facility. Mr. French, in your capacity as prisoner and parole coordinator for the Indian Development District of Arizona, you are concerned primarily with Indian adult offenders rather than juvenile offenders? Isn't that right?

MR. FRENCH. Right, sir.

MR. SMITH. It is my understanding that you served as an inmate at the Arizona State Penitentiary at Florence recently. Is that correct?

MR. FRENCH. I served— I didn't quite get that.

MR. SMITH. It's my understanding that you personally served as an inmate at the Arizona State Penitentiary. Is that correct?

MR. FRENCH. Yes.

MR. SMITH. What, in your estimation, from your personal experiences and from talking to other people, are the principal problem areas for the Indian prisoners in the Arizona State prison system?

MR. FRENCH. Well, it's mainly the medical. They don't have doctors there who would see the inmates that need medical aid. That's for one.

And they need an Indian counselor which they don't have.

And there are 40 Indian inmates there at the State prison now, and, up to date, there are at least 12 of them that will be going up before the parole board within the next 2 or 3 months, and as far as I know they don't have any parole plan to present to the board, and so in this way they need a counselor there to find out just what the inmates want to do when they get out, whether they want to go into a training or go into direct employment. And there are a lot of services available to the offender and exoffenders which the inmates don't know about, so this is why they need a counselor.

MR. SMITH. Without such a counselor is it your opinion that Indians are at a severe disadvantage before parole boards?

MR. FRENCH. Yes, I would—

MR. SMITH. Are there any other functions, in your estimation, that counselors could serve? You mention that they could talk about programs that are available to exoffenders. What other kinds of functions could counselors serve?

MR. FRENCH. Well, they could talk over personal problems, and to their jobs, training problems. There are a few that are available now which the inmate would want to get into, but being an Indian and not knowing how to go about getting into these programs, well, he's just left behind.

MR. SMITH. Are Federal BIA services or programs available to Indian inmates?

MR. FRENCH. Not when I was there. And as far as I know there isn't any.

MR. SMITH. Do you see a need for that kind of thrust for the BIA's programs?

MR. FRENCH. Sir?

MR. SMITH. Do you see a function that BIA programs could serve in this regard?

MR. FRENCH. Yes.

MR. SMITH. I have no further questions.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. No questions.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Dr. Giles, did I understand you to say that Indian young people who have committed some kind of offense are not accepted at the State industrial school because they or their parents don't pay taxes?

DR. GILES. Indirectly it's saying the same thing. It's saying that if an Indian young person commits an offense on reservation he's not entitled to the services of the State Department of Correction, be as they may. It may be a blessing that they are not entitled to this. But, at any rate, the State excludes Indian people who commit offenses on reservation from the State industrial school unless that reservation has a contract with the State industrial school to pay for it.

MR. BUGGS. What about the State prison for adults?

DR. GILES. Mr. French could probably speak to that better than I could.

MR. BUGGS. If an Indian commits an offense on a reservation, will he go to the State prison?

MR. FRENCH. No, sir. He's sent to the Federal.

MR. BUGGS. He will go to the Federal prison?

MR. FRENCH. Yes, sir.

MR. BUGGS. It has to be committed off the reservation to go to a State prison?

MR. FRENCH. Right, sir.

MR. BUGGS. I see. No further questions.

COMMISSIONER FREEMAN. Thank you, gentlemen. The witnesses are excused.

This hearing will now adjourn until 9:00 a.m., tomorrow morning, 9:00 a.m. Saturday morning.

(Whereupon, at 9:13 p.m., the hearing was recessed, to be reconvened at 9:00 a.m., Saturday, November 18, 1972.)

United States Commission on Civil Rights

Phoenix Indian School
Phoenix, Arizona
Saturday, November 18, 1972

The United States Commission on Civil Rights reconvened, pursuant to recess, at 9:00 a.m., Frankie M. Freeman, Commissioner, presiding.

PRESENT: Frankie M. Freeman, Commissioner; Manuel Ruiz, Commissioner; John A. Buggs, Staff Director; John D. Powell, Jr., General Counsel; M. R. Smith, Assistant General Counsel; Joe C. Muskrat, Regional Director; Jerry Muskrat, Staff Attorney.

PROCEEDINGS

COMMISSIONER FREEMAN. Good morning.

This hearing is called to order.

We would like to call as our first witness this morning, and the final witness on the subject of administration of justice, the Honorable William Rhodes, Chief Judge, Gila River Pima-Maricopa Indian Community.

Will the witness remain standing?

(Whereupon, Honorable William Rhodes was sworn by Commissioner Freeman and testified as follows:)

JUDGE RHODES. I have with me my legal aid man, Rod Lewis.

COMMISSIONER FREEMAN. Mr. Lewis, will you be giving any testimony or making any statement?

MR. LEWIS. Yes.

COMMISSIONER FREEMAN. If so, then, will you be sworn?

(Whereupon, Mr. Rod Lewis was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF HONORABLE WILLIAM RHODES, CHIEF JUDGE, GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY, ACCOMPANIED BY MR. ROD LEWIS, ATTORNEY

COMMISSIONER FREEMAN. You may be seated.

MR. POWELL. Would you each please state your name, address, and position for the record? Also give us your tribal affiliation.

JUDGE RHODES. I am William Rhodes, Chief Judge for the Gila River Indian Community. This is the Pima tribe.

MR. LEWIS. My name is Rod Lewis. I'm a Pima-Mojave. I'm an attorney working with the Gila River legal service, Sacaton, Arizona.

Mr. Powell. You both live on the Gila River reservation?

Judge Rhodes. Yes.

Mr. Powell. Judge Rhodes, how long have you served as judge, and what did you do before that?

Judge Rhodes. I have been Chief Judge for 2 years and 9 months. Prior to that time I worked with the council as an adviser to the council, and before that the Maricopa County sheriff's office. And prior to the sheriff's office, the Bureau of Indian Affairs police and tribal police.

Mr. Powell. Judge Rhodes, would you briefly describe for us the law and order system on your reservation?

Judge Rhodes. Our law and order system is set up primarily from the Code of Federal Regulations. However, it is a tribal court. It's not a federally-funded court. Our judges are paid by the Pima tribe. And we do have jurisdiction over criminal misdemeanors. The major crimes are, as you know, handled by the FBI.

Mr. Powell. How much does effective administration of justice on your reservation depend on cooperation from outside law enforcement officials?

Judge Rhodes. Quite a bit. Because of the closeness of the surrounding communities and the relationship that we have with the communities, landwise particularly. The communities surrounding the Gila River, which is a very small area in Arizona, are growing so fast and large that they are pushing into the reservations, creating problems such as trespass and other things, resulting in a need to have a good working relationship with the outside agencies. Police agencies, I'm referring to.

Mr. Powell. Do you have jurisdiction, for example, over non-Indians who commit offenses on your reservation?

Judge Rhodes. Yes. Recently, within the past year and a half, the Pima tribe saw fit to initiate an ordinance on implied consent, and this ordinance was a result of some of the things I have just mentioned such as trespassing, the unauthorized removal of sand, gravel, cactus, wood, numerous other things; unauthorized hunting, target practicing, sand buggies, tote goats, just all types of trespass without permission on the reservations.

In an effort to curb some of these violations which were occurring, after several meetings with some of the surrounding police agencies and the Federal Court, we were unable to get any satisfaction, so, taking the problem to the council, the council saw fit to initiate this implied consent ordinance.

Prior to the time that the council had certified the ordinance, the court saw fit to assert jurisdiction in certain cases, and since that time, a year and a half ago, we have been asserting, and after the implied consent ordinance was passed—became policy rather in Washington—we do have jurisdiction over non-Indians in our tribal court at present.

MR. POWELL. You mentioned implied consent. I take it that has something to do with a doctrine that non-Indians who knowingly come onto the reservation to do things like taking minerals or doing business are presumed to have consented to the exercise of jurisdiction by the tribal courts over them in connection with their presence and their activity on the reservation. Is that the doctrine?

JUDGE RHODES. Yes. Now, the implied consent ordinance was not signed by any particular person in Washington. The Secretary of Interior—

MR. POWELL. Let me ask you a question on that. The Department of Interior normally provides legal assistance to tribes taking important steps such as this, does it not?

JUDGE RHODES. Yes.

MR. POWELL. What assistance did they provide in this case—this effort to exercise jurisdiction over non-Indians?

JUDGE RHODES. None, except to allow the ordinance to lie on the desk. There's a 60-day period in which if the Secretary of the Interior doesn't act on a particular ordinance, then that ordinance becomes policy.

MR. POWELL. You made a request of the Solicitor of the Department of Interior and of the Secretary of the Interior in connection with this? Is that correct?

JUDGE RHODES. Yes.

MR. POWELL. And did they take a position? Did they take a position one way or the other as to whether they would have such jurisdiction and they would support you or not? Or did they take no position, a noncommittal position?

JUDGE RHODES. It's a noncommittal position. They did see fit to allow it to become policy by leaving it the 60-day period. However, they didn't see fit to back the tribe. They left the ordinance—the ordinance was allowed to become policy—without any committal from the side of the Department.

MR. POWELL. Mr. Lewis, did you want to say anything on that? You're a legal adviser? Do you have any comments on it?

MR. LEWIS. No, I don't.

MR. POWELL. Don't you have some very serious problems with respect to enforcing such an ordinance? Let's assume the non-Indian comes onto your reservation and commits an act which is in violation of your law. He then is able to remove himself from the reservation. You then have the problem of effecting an arrest over the person of that violator, do you not?

JUDGE RHODES. Yes.

MR. POWELL. In order to effect such an arrest, wouldn't you require the assistance of either local law enforcement officials or Federal law enforcement officials?

Judge Rhodes. Yes.

Mr. Powell. And in the absence of an agreement on the part of such officials to recognize your processes, aren't you left without the ability to exercise effective jurisdiction over the persons of non-Indians?

Judge Rhodes. This may have been the case prior to, I believe, it was April 12 of this year when one of the State Senators saw fit— Well, going beyond that point, we had a problem where one of our cases was dismissed by a local J.P. because, number one, the officer supposedly at that time wasn't recognized by the State of Arizona as an officer.

Mr. Powell. You're talking about one of your local—

Judge Rhodes. Tribal police officers.

Mr. Powell. This was in connection with an offense on the reservation?

Judge Rhodes. Yes.

Mr. Powell. Before a State justice of the peace?

Judge Rhodes. Yes.

Mr. Powell. I see. And what happened?

Judge Rhodes. Well, prior to the arrest, the surrounding J.P.'s would normally hear cases where our officers, the Indian officers, would cite a non-Indian on the reservation into a justice court off the reservation. But the one time that a defendant challenged the jurisdiction of the officer, the court immediately backed down and dismissed the case on the grounds that the officer supposedly wasn't recognized by the State as an officer. He didn't have jurisdiction.

However, he did, in my sense of seeing things—he did have jurisdiction when the offense was committed on the reservation. However, when he transported the defendant to the county jail and the justice court, he may have lost jurisdiction there. That was never really decided.

At that time is when the tribe began to assert jurisdiction because of the lack of recognition, number one, by the State that tribal officers, Federal officers, were recognized as policemen by the State.

And through the help of one of the State Senators, as of April 12 of this year I believe it was, all tribal officers and Federal BIA officers are recognized now by the State as officers.

So through that recognition we have gained a better working relationship with the surrounding police agencies and are able to get our warrants, tribal warrants, served on non-Indians off the reservation.

And, likewise, the non-Indian courts that need to have a defendant on the reservation must present a warrant with good cause to the court, and in turn the court would issue a warrant for the apprehension and the turnover of the defendant to the other agency also.

MR. POWELL. Very good.

Judge Rhodes, what about the area of felony criminal jurisdiction where the Federal Government has responsibility under Federal law? What has been its record in exercising this function?

JUDGE RHODES. I would say, frankly, very bad. The cases that — Numerous cases, felony cases, that we have had, cases that are severe in the sense that people get shot, in some cases killed, beaten up, mugged, robbed, raped— The Federal courts— I don't know why. It seems to be the attitude—and this is my own personal feeling from observing—that, you know, there's just a little sense of, you know, "Well, let them kill themselves off. They're just Indians."

MR. POWELL. Since you don't have jurisdiction over these major felonies, unless the Federal Government exercises jurisdiction, then nobody does? Is that it?

JUDGE RHODES. That's right.

MR. POWELL. What impact does that have on the law-abiding character of the people on your reservation?

JUDGE RHODES. It has caused feuds. We have feuds that are still going now between families where— Just for instance, an example: A couple of men got in a fight about 4 years ago. One went home. The other followed about an hour later, and he carried a shotgun over there and shot the man in the stomach, killed him.

The assailant was kept in—taken to jail, allowed on bond out on his OR—

MR. POWELL. By Federal officials?

JUDGE RHODES. Yes. He was allowed out on bond, and this case was continued and continued and continued for about a period of 1 year, and finally the man went to court and got 1 year's probation—for murder.

MR. POWELL. Judge Rhodes, I wonder, would you provide us with a record of the kinds of incidents that you're now describing? And we will undertake to be in touch with the Department of Justice to get a statement from them, not only regarding your situation, but their policy with respect to the need to enforce the law on reservations.

JUDGE RHODES. Yes, I can get this together. I will need the help of my police department there on the Gila River to get the information together.

MR. POWELL. With the permission of the Staff Director, I will undertake to send one of my people down here to be in consultation with you regarding this.

JUDGE RHODES. Yes.

Mr. Powell. Mr. Staff Director?

Mr. Lewis. Excuse me. May I add something here?

Mr. Powell. Yes.

Mr. Lewis. I was just going to point out I think it's very important—and I'm not exactly sure what your function is—

Mr. Powell. I'm sorry. Would you start again?

Mr. Lewis. I'm not exactly sure what your function is, or your role in this matter, but I think it's very important that you be aware of this jurisdictional maze which at least Indian tribes in Arizona are faced with.

I think it's apparent that there are three sovereign powers here exercising criminal jurisdiction—that is, the Indian tribes, the tribal government in our case, the Gila River Indian community, the State of Arizona, and the Federal Government.

And as you can see, there's much cause for some overlap.

But I think the case has been that the State of Arizona and, well, especially the Federal Government, has shirked its responsibility in enforcing criminal laws at both ends of the scale, as Judge Rhodes pointed out, in the area of major crimes and also in the area of lesser crimes over which many people have asserted that tribes do not have jurisdiction.

And this is, I guess, the main reason why the tribe has asserted jurisdiction over non-Indians, and I think this requires —this may require—some Congressional action but also will require some cooperation, some administrative cooperation, and agreements between the sovereign powers.

And this is something I think which the Civil Rights Committee can look toward or help in settling or pointing out, at least raising the issues or the problems.

Mr. Powell. We understand that yours is only one of two tribes in the entire country that attempted to assert jurisdiction over non-Indians. Is that correct?

Mr. Lewis. That's true.

Mr. Powell. Well, it seems clear from what I know of this that certainly tribes have jurisdiction over Indians who commit crimes on reservations. It's certainly far from clear the extent to which tribes can exercise jurisdiction over non-Indians, isn't it? You're doing that, but you indicated the need for congressional action.

Mr. Lewis. Well, I say that simply to clarify the situation and, you know, pinpoint the responsibility. In my mind there is no doubt that the Indian tribes do have jurisdiction over non-Indians.

Mr. Powell. I see. With respect to crimes committed by Indians on reservations, crimes which require imprisonment, where do such Indian offenders— Where are they incarcerated?

It's my understanding that such offenders are incarcerated in Federal prison. Is that correct? You have no such facilities?

JUDGE RHODES. Are you referring to major crimes?

MR. POWELL. Well, does it matter?

JUDGE RHODES. Yes.

MR. POWELL. It does? In other words, you have a tribal jail for offenses which are not—

JUDGE RHODES. Misdemeanor offenses.

MR. POWELL. But for major crimes they would go in Federal prisons?

JUDGE RHODES. Federal or State court.

MR. POWELL. What about non-Indian offenders? What would be done with non-Indian offenders who violate your law?

JUDGE RHODES. Misdemeanor law?

MR. POWELL. Misdemeanor law, yes.

JUDGE RHODES. If they are sentenced to jail, according to the new—to the indigency law now which requires time to pay the fine or a sentence to jail, they are treated just exactly like anybody else. They are not any different. The tribal court in Gila River doesn't distinguish between the people that come before it.

MR. POWELL. But if the State were exercising jurisdiction where non-Indians were committing violations on the reservation, you wouldn't have this problem? Is that correct?

JUDGE RHODES. Possibly.

MR. POWELL. Judge Rhodes, does your tribe receive any law enforcement assistance through the Law Enforcement Assistance Administration?

JUDGE RHODES. Yes, we have received two grants through LEAA.

MR. POWELL. In applying and competing for such funds, do you feel that tribes face any particular barriers or disadvantage?

JUDGE RHODES. Yes. I feel that we do have a barrier, a big barrier there because of the fact that we don't have qualified help for writing of proposals. We have been informed that, "If you can't write a proposal, let us know and we'll send a man down there to write it up for you."

MR. POWELL. Who says this to you?

JUDGE RHODES. This has been stated by representatives of LEAA. But I have never seen it yet.

MR. POWELL. Well, as I understand it, in applying for such funds you have to go through the State and have to be part of a State plan, do you not?

JUDGE RHODES. Yes.

MR. POWELL. Does the State give you any particular priority as opposed to other municipalities within the State?

JUDGE RHODES. No.

MR. POWELL. Are you put at a disadvantage vis-a-vis such other applicants within the State?

JUDGE RHODES. I think that we are. Because the tribes are not represented. I'm on one board, the Police-Community Relations Board. However, that's only one of the areas that LEAA funds.

MR. POWELL. Then, would you say that if tribes are to get a fair shake that either they ought to be given separate funding under LEAA or, if they are going to have to be put through State plans, that guidelines ought to be perfected so that in reviewing State plans the Indian component of such State plans would receive particular attention by the State and that attention would be reviewed by the funding agency?

JUDGE RHODES. I would say so.

MR. POWELL. Judge Rhodes, as a tribal judge and a past deputy sheriff, do you have any observations to share with us regarding the quality of treatment Indians receive from the justice systems of border towns surrounding your reservation?

JUDGE RHODES. Yes, I have observed and been asked by several of the people on the Gila River why they receive such harassment from, say, one of the sheriff's departments. And it doesn't seem to be the department as a whole. It's particular individuals who work for the sheriff's office, one of the sheriff's offices.

For instance, every time a carload of Indians goes by, the deputy will find or see fit for whatever reasons to stop this car and get the people out, shake them down, go through the car, look under the seats, harass them, make smart aleck remarks toward the people, and then threaten that if they don't shut up or if they attempt to talk back or ask, "Why are we being stopped?" or, you know, "What was your reason for stopping us?"— "Shut up, or you're going to end up in the back of the wagon." You know. This kind of stuff.

This is particularly bad in the west end of our reservation. And I don't want to name any names, but I do know of a couple of deputies that I have—probably in the near future will write letters to the department, sheriff's office in that particular area, on, if this harassment continues.

The east end of the reservation hasn't been so bad. We don't receive that type of harassment from that particular area up there. But this one area is real bad in that.

MR. POWELL. If you have problems with that, if you would provide in writing the discussion of those, naming those sheriffs in writing, subsequently, and what the activities are, we might be of assistance.

What about the treatment of Indians with respect to offenses committed? Are they treated in the same way under State courts as non-Indians in terms of fines and sentencing? Are they more likely to be arrested for offenses than non-Indians? Or do you have a view on that?

JUDGE RHODES. Oh, yes. Yes. I have always noticed this. And it's outstanding in any State, particularly Arizona, where if you have five men pass down on the ground and there's one Indian among them, that's the guy they're going to pick up. I have seen this with my own eyes.

MR. POWELL. They're more likely to be arrested for intoxication than non-Indians?

JUDGE RHODES. Oh, yes.

MR. POWELL. One last request, Judge Rhodes. You mentioned two LEAA grants. If you would describe those grants to us in writing subsequent to this hearing, we would appreciate it. All right?

JUDGE RHODES. The first grant we received was for $50,000, and that was money to be used to get four cars for the department, which there has been a lack of BIA supposedly to supply cars, equipment. However, there has been a lack of equipment for the police officers. We did get four cars with that money, fully-equipped. We have radar and Bascar units in two of the cars, two units of the same type in each.

We got stretchers.

We have a new radio system which we will be—should be—complete this month which will put the Gila River police under their own frequency. However, we will maintain two radios which will be in contact with the State frequency.

The other grant was a criminal code revision grant which is about 60 percent complete at this time. And in that criminal code, the revision, we are attempting to keep in touch with the State Attorney here and keep it as close as possible to the working relationship that the State Code has so that, if there ever is a change, there wouldn't have to be that much change made to our revised code.

MR. POWELL. How large is your reservation? How many people reside thereon?

JUDGE RHODES. We have between 6,500 and 7,000.

MR. POWELL. And how large in land—

JUDGE RHODES. Sixty-five miles long and 20 miles at the widest point.

MR. POWELL. That's as large as most cities.

I have no further questions, Madam Chairman.

COMMISSIONER FREEMAN. Judge Rhodes, I would first like to commend you for asserting the jurisdiction of your court, of the tribal court, over the offenses committed by non-Indians. However, it seems to me that the question is very serious because the State of Arizona cannot be absolved from responsibility in this.

There is a very basic provision under our Constitution that no State shall deny to any person within its jurisdiction the equal protection of the laws.

And the situation that has been described this morning indicates that the State of Arizona is in violation of the Constitution with respect to administration of justice. And certainly this Commission has the responsibility to pursue this.

I was pleased that our general counsel did not wait for the Commission to at least request that the staff check further into this and get the facts.

JUDGE RHODES. Probably the biggest reason for this— You know, it's like a big kid—all these violators that come out on the reservation. We had attempted to work with the city police, the county police, hoping that they would give us the backing that they should. However, every time there was a call on a non-Indian who might be violating the law in one way or another on the reservation, it was always the type of discipline that you might give a little kid. You know, slap him on the hand and tell him, "Don't do this again."

We could never get any backing out of the courts, say a stiff fine and say, "You cannot do this and expect to get away with it." We want some respect too. It's our land. They've pushed us into these little pockets. We're there, and that's the last we have.

Now, we welcome anybody, everybody, to our reservation. However, we want them to afford us the same respect that they afford their people when they're off reservation.

COMMISSIONER FREEMAN. That's the only way it can be.

JUDGE RHODES. Yes.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. Judge Rhodes, with respect to this rousting that they get, the Indians in trucks, is it done by Federal officials or State officials?

JUDGE RHODES. I didn't understand you.

COMMISSIONER RUIZ. The rousting, getting them off of their transportation facilities—the rousting—the inquiries made of Indians—is it done by State officials or is it done by Federal officials? You mentioned that on the west side this happens more often than on the east side of the reservation.

JUDGE RHODES. That would be probably county officials.

COMMISSIONER RUIZ. Oh, they are county officials?

JUDGE RHODES. Yes.

COMMISSIONER RUIZ. The reason I ask that is: What is the excuse for doing it? Do they claim that they are illegal aliens or what are they looking for when they do this, when they stop and check? What is the excuse that the county uses?

Judge Rhodes. There's no excuse really. Just a week ago there was a family that approached me and asked, "Why is it that every time we leave the reservation on 51st Avenue that we have to be stopped by this one particular guy?"

And it seems like everybody in the west end knows this one particular deputy. He just has— What? Something against the Indians in that particular area. He never has bothered the non-Indians.

And I— Originally I'm from the west end. I live in Sacaton now. But during my time on the west end I never saw this deputy have a car stopped where there might be non-Indians in the car. But every time I have personally seen him with a car stopped it was Indians in the car.

Commissioner Ruiz. Well, you have answered what I was looking for. In other words, it is the local officers—

Judge Rhodes. Yes.

Commissioner Ruiz. —county officer, that does this.

Now, are there instances where a tribal police officer instead of taking the non-reservation person to a J. P. takes the person to the reservation jail?

Judge Rhodes. Yes.

Commissioner Ruiz. And you have facilities there for release of that person on his own OR?

Judge Rhodes. Yes.

Commissioner Ruiz. Do you sometimes impose, ask for bail?

Judge Rhodes. A cash bond, yes.

Commissioner Ruiz. And are bail facilities available in the area for a non-reservation person?

Judge Rhodes. We don't have a bonding system such as the outside courts here do. However, the court has set up a bonding system available to the people, making bonding available to them.

Commissioner Ruiz. Have you had any particular trouble with that phase of law enforcement?

Judge Rhodes. None at all.

Commissioner Ruiz. That's all.

Commissioner Freeman. Mr. Buggs?

Mr. Buggs. Judge Rhodes, it was mentioned that we are dealing with three sovereign powers: The tribal power, the State, and the Federal Government. Suppose someone wants to appeal from a decision of your court. To whom does he appeal?

Judge Rhodes. The tribal court provides for a three-judge panel appeal, and this is their appeal. However, it can, if they are not satisfied at that level— Then it can end up in district court.

Mr. Buggs. Federal district court?

Judge Rhodes. Yes.

Mr. Buggs. But not to the State court?

Judge Rhodes. No.

Mr. Buggs. Well, if that's so, then, there are at least two separate and distinct court systems in Arizona. Is that right?

Judge Rhodes. Yes.

Mr. Buggs. The Federal and the State, with the tribal court being in some way related to the Federal court system. Is that right?

Judge Rhodes. Yes.

Mr. Buggs. Why, then, do you have to get money through the State from LEAA funds? Why is it not—have you investigated as to whether or not, since you do have a totally separate legal system—whv do you have to get money, LEAA money, through the State? Why can't it come directly from the Federal Government to you?

Judge Rhodes. I'm not sure. I believe it's the way the government, our particular tribal government, is set up. I do know that there are tribes who have federally-funded judges. However, the particular tribes that have federally-funded judges, I don't think are in a position to properly administer justice to the people, because in these particular situations the judges are only funded for a minimum time, and in some cases I know of the judges only hold court on, say, 2 days a week, or 3 days a week, and this, as I see it right there, is a violation of a person's rights because he doesn't have the immediate trial that if he wants he can have.

Mr. Buggs. I wonder if your legal counsel has an opinion as to whether or not, under the circumstances that your courts are operating, you should be able to get funds directly from LEAA rather than through the State.

Mr. Lewis. I think it's kind of difficult to answer that question. I think, yes, we should be eligible to receive funds directly from LEAA as a sovereign power and Indian tribes possessing the full right to govern themselves, which includes operating a criminal justice system. And it seems to me it's a failure of recognition by the State and by the Federal Government of this fact.

As to whether or not it is possible under existing LEAA regulations I don't know. Probably not. It seems to me that LEAA and other Federal programs recently are— The attempt is to regionalize them, to funnel funds through the States, and as a result tribes are left out.

I think as Judge Rhodes pointed out this is a bad thing as far as Indian tribes are concerned. We get a low priority as far as funds are concerned, and I think we won't fare as well. And I think it is very desirable for Indian tribes to be funded directly from the Federal Government.

Mr. Buggs. I have no more questions.

Commissioner Freeman. Thank you very much, gentlemen. You may be excused.

Judge Rhodes. Thank you.

Commissioner Freeman. We will now begin the subject area of employment, and we will call as our first witness, Mr. Ernest Gerlach, a Commission staff member, who will give a brief summary of an Indian employment staff paper.

Will you be sworn?

(Whereupon, Mr. Ernest Gerlach was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. ERNEST GERLACH, STAFF MEMBER, U.S. COMMISSION ON CIVIL RIGHTS

Commissioner Freeman. Will you present the summary of your staff paper?

Mr. Gerlach. The Bureau of Indian Affairs estimated that in 1972 approximately 38,400 American Indians living on reservations in Arizona were of working age, or in the labor force. Of this total, 15,520, or approximately 40 percent, were classified by the BIA as being unemployed. In contrast, the unemployment rate for the entire State was reported to be 4.1 percent in 1971.

Not only do American Indians in Arizona have very high unemployment rates, a significant number were reported to have only temporary or seasonal employment. For example, the BIA estimated that about 20 percent of the Indian labor force on reservations in Arizona were employed on a temporary or periodic basis.

For a large number of American Indians in Arizona, government and related services provides most of the employment on the reservation. This employment is provided mainly by the Federal Government. Tribal governments also provide a substantial employment base.

In a special study conducted jointly by Arizona State University and the Arizona State Employment Service in 1969, it was reported that tribal employment is significant on many reservations in the State.

It was also reported in a separate study entitled the *Navajo Manpower Survey* that the Navajo tribe employs about 5,450 persons, nearly 45 percent of all those employed on the reservations. More significantly, 65.8 percent of all the wage and salary workers on the reservation are employed by the tribal government. On the other hand, very few Indians are employed in either the State government or in municipal governments in Arizona.

Employment in the other sectors, such as agriculture, con-

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struction, manufacturing, transportation, communications, wholesale and retail trade is limited. However, on some reservations, especially on the Navajo and Fort Apache reservations, employment in manufacturing is significant, although small in relation to the total reservation population.

In 1971, Indians comprised about 15 percent of all the Federal jobs in Arizona. However, a large percentage of these Indian employees were concentrated in the lower grade and wage board levels. For example, while Indians made up 17.9 percent of all the Federal employees in the general schedule (GS) pay system in Arizona, 54.8 percent of these employees were in grades GS-1 through 8.

Similarly, Indians constituted 20.0 percent of all the wage board workers in Arizona, but 40.7 percent of all the Indian regular nonsupervisory employees, 68.0 percent of the Indian regular wage employees, and 19.9 percent of all the Indian regular supervisory employees were concentrated in wage levels 1 through 3. Over 50 percent of all Indians in other wage systems were earning below $7,000 annually.

The largest Federal employer of Indians in Arizona is the Bureau of Indian Affairs. In 1971, the BIA employed a total of 2,829 employees in the GS pay system and 1,112 in the wage board system. Of this total, American Indians constituted about 60.6 percent of all GS employees and 85 percent of all wage board employees.

Although Indians comprised the majority of all GS and wage board personnel employed by the BIA, most of these Indian employees were again concentrated in the lower grade and wage board categories. For example, in Arizona, American Indians comprised 81.2 percent of all the GS personnel employed in grades 1 through 8, while Anglo personnel made up only 7.3 percent of the GS employment in these grades. On the other hand, Indians were only 23.6 percent of all employees in grades GS-11 through 15, while Anglos constituted over 70 percent of all employees in these grades.

In 1971 slightly over 85 percent of all wage board workers employed by the BIA in Arizona were American Indians, and only 12.5 percent were identified as Anglo. However, approximately 60 percent of all the Indian wage board employees earned less than $9,000 a year. At the same time, only 9.3 percent of the white wage board employees earned less than $9,000 annually. Conversely, over 90 percent of all the white wage board employees earned more than $9,000 a year, whereas only 39 percent of all the Indian wage board workers made more than that amount.

The same grade level distribution also appears to exist for the Phoenix Area Office of the BIA. One thousand two hundred and eighteen GS employees were employed by the Phoenix Area Office in 1972. Approximately 51 percent of all these GS employees were American Indians. However, almost 70 percent of these Indian employees were in grades GS-1 through 5, whereas only 16 percent of all the non-Indian GS personnel were in these grades. The majority of the Indian employees were in grades GS-3, 4, and 5, whereas most of the non-Indian GS employees were concentrated in grades GS-9 and 11.

In terms of wage board employment, 332 American Indians and 127 non-Indians were employed as blue-collar workers in the Phoenix Area Office. Over 51 percent of all Indian wage board employees earned less than $9,000 annually, while only 13.3 percent of the non-Indian employees made less than this wage. On the other hand, over 86 percent of all the non-Indian wage board employees earned more than $9,000 a year, and only 52 percent of the Indian wage board workers made more than this amount.

In relation to other Federal agencies having staff in Arizona, the number of Indians employed is very small. For example, the Post Office Department employed 5,093 persons in 1971; of this total only 34 were identified as American Indians.

The Treasury Department maintained a staff of 499 persons in the State; only one employee was an American Indian.

The Justice Department employed over 500 persons; yet only one was Indian.

The Department of Agriculture employed only 69 American Indians out of a total employment of 1,415.

The Department of Transportation employed about 360 persons; again there was only one Indian.

The Department of Housing and Urban Development employed only one Indian out of a total employment of 136.

The State government in Arizona also employs few American Indians. According to the Arizona Civil Rights Commission, American Indians constituted only 1.6 percent of the total State employment in 1971. Overall, there were only 418 Indian State employees out of a total employment of 26,918.

Over 80 percent of all Indians employed by the State were concentrated in six agencies. Arizona State University employed 49 American Indians out of a total employment of 5,145.

The State Education Department employed 58 American Indians out of 403 employees.

The Employment Security Commission employed approximately 950 persons; only 48 were Indian.

The Highway Department in 1971 employed over 4,250 persons; only 74 were American Indian.

Northern Arizona University employed about 932 persons; 41 were Indian.

The University of Arizona employed a total of 6,890 persons; 69 were Indian.

The Welfare Department employed 958 persons; 31 were Indian.

Of the 98 separate governmental agencies constituting the State government, 72 agencies and related boards did not have any Indians employed at all.

Of the 418 Indians employed by the various State agencies, 264 or 63.1 percent were located in white-collar or skilled jobs, while 154 or 36.9 percent were employed in low-skilled occupations. However, compared with the total State employment, American Indians made up only 1.2 percent of all the State employees in the white-collar jobs and 2.8 percent of all the State employees in the blue-collar occupations.

The employment of Indians in local and municipal governments in Arizona appears to be minimal. In Phoenix, only 49 American Indians were reported to be employed out of a total municipal employment of 5,020 in 1971. Over 60 percent of all Indians employed by the city were in the Water and Sewers Department. More than half were classified as semi-skilled operatives, two were classified as unskilled laborers, and five were identified as skilled laborers.

In Tucson, Indians represent less than 1 percent of the total municipal employment.

Indians also represent a very small proportion of the total employment in school districts throughout Arizona. Of the 37,722 certified and non-certified school employees reported in various categories, only 791, or approximately 2.1 percent, were Indians.

In addition, American Indians represented only 3.8 percent of all the non-certified employees in various categories.

More important, Indians constituted less than 1 percent of all the certified teachers and approximately 1.5 percent of all the guidance counselors.

The majority of Indian school employees were located in four counties—Apache, Coconino, Gila, and Navajo. Even in these counties, Indian employees were only a small proportion of all school employees.

Over 70 percent of the population in Apache County is Indian, yet Indians are only 28 percent of the total school employment in that county.

In Navajo County, Indians are 48 percent of the population, yet only 14.6 percent of all the school employees are Indian.

In Coconino County, almost 25 percent of the population is Indian, but only 14 percent of all the school employees in that county are Indians.

Similarly, in Gila County, Indians are 8.3 percent of all the school employees in the county, yet they constituted over 15 percent of the county's population.

In terms of the number of teachers employed in these counties, the situation is very similar. In Apache County, 67.1 percent of all the pupils enrolled in public schools were Indian, yet there were only 15 Indian teachers out of a total of 313.

Navajo County had 2,798 Indian pupils attending public schools, yet only 7 teachers out of 422 were Indians.

About 23 percent of the total school enrollment in Coconino County were Indians, yet only 2.3 percent of the teachers were Indian.

In Gila County, almost 15 percent of the student enrollment in the public schools were Indians, but less than 1 percent of all the teachers were Indians.

In relation to private employment, very few American Indians are in the labor force off the reservation. According to the Equal Employment Opportunity Commission, in 1970 approximately 3,152 Indians out of a total surveyed labor force of 196,899 were employed in 982 business units. Overall, Indians comprised about 1.6 percent of the surveyed labor force.

A large proportion of this Indian labor force was employed in occupations of low economic status. For example, in Arizona the number of Indians employed in low-paying and low-skilled jobs was 2,262, or approximately 72 percent of all Indians employed in private businesses.

In a special survey of Indian employment in Phoenix, it was noted that a significant portion of all of the Indian labor force was employed in low-skilled occupations. For example, 47 companies were surveyed in Phoenix having a total employment of 36,576 persons in 1971. Minorities, including American Indians, made up approximately 16 percent of the surveyed labor force. However, American Indians comprised less than 1 percent of the minority employment and less than 1 percent of the entire employment in these 47 companies.

Two basic conclusions can be derived from the data:

First, American Indians constitute only a very small part of the off-reservation labor force.

Second, those Indians that are employed in off-reservation jobs tend to be concentrated in low-skilled and low-paying occupations.

COMMISSIONER FREEMAN. Mr. Gerlach, first, I think that it's an understatement to say that that's a rather bleak and dreary picture.

But on behalf of the Commission I would like to make two requests.

We ask that as that report relates to State employment that a copy of it be transmitted today to the Governor and any appropriate State officials for their comments and that as to that portion of the report relating to private employment that a copy of it be transmitted immediately to the Equal Employment Opportunity Commission for their comments—that report itself.

Mr. Gerlach. Yes.

Commissioner Freeman. Thank you. You may be excused.

Mr. Powell. Mr. Gerlach, do you remember what is the Indian percentage of the Arizona population? It's about 5.4 percent?

Mr. Gerlach. 5.4 percent as of 1970.

Commissioner Freeman. Thank you. You may be excused, with the understanding that the staff will follow through on the request.

Mr. Gerlach. Yes.

Commissioner Freeman. The first witnesses are Sonya Shepherd and Tony Escalante.

Will you remain standing and be sworn?

(Whereupon, Mr. Sonya Shepherd and Mr. Tony Escalante were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. SONYA SHEPHERD, PROJECT MANAGER, PAPAGO MINING INSTITUTE, AND MR. TONY ESCALANTE, LABOR COORDINATOR FOR THE PAPAGO TRIBE

Commissioner Freeman. Thank you. You may be seated.

Mr. Powell.

Mr. Powell. Beginning with the gentleman on my left, would you each please state your name, address, and occupation for the record?

Mr. Shepherd. My name is Sonya Shepherd. My residence is 1178 Delano Drive, Casa Grande, Arizona. My occupation is a project director for a training program.

Mr. Powell. Mr. Escalante?

Mr. Escalante. My name is Tony Escalante. I'm a tribal labor coordinator, Papago tribe, and I live in Sacaton, Arizona.

Mr. Powell. Mr. Escalante, you mentioned that you are a labor coordinator. What are your responsibilities as labor coordinator for your tribe? What do you do?

Mr. Escalante. I do the hiring for the mines on the reservation, and I also help in problems on the job.

Mr. Powell. You do the hiring for mines, you say?

Mr. Escalante. Yes.

Mr. Powell. Mr. Escalante, we understand that the unemployment is very high on many of the reservations. What is the unemployment rate on your reservation?

Mr. Escalante. It's about 60 percent.

Mr. Powell. Sixty percent?

Mr. Escalante. Yes.

MR. POWELL. What kinds of jobs are available to Indians on your reservation?

MR. ESCALANTE. Well, we have mining, construction. We have the tribal council and Bureau of Indian Affairs, Papago Utility, Kitt Peak Observatory, and the Public Health and the Papago Explosives Company.

MR. POWELL. Is there road construction on your reservation? Housing construction?

MR. ESCALANTE. Sometimes, yes.

MR. POWELL. Mr. Escalante, what are some of the problems that Indians on reservations face in getting meaningful employment? Do they have difficulty in getting jobs?

MR. ESCALANTE. Lack of education and transportation, experience or training, and alcoholism. They're not dependable.

MR. POWELL. I see. The view that they are not dependable?

MR. ESCALANTE. Yes.

MR. POWELL. Mr. Shepherd, would you care to comment on that? The location of the reservation, geographical isolation?

MR. SHEPHERD. Certainly. The reservation is a large reservation. It comprises almost 3 million acres, approximately 4,500 square miles. The population of the reservation is quite scattered. Small villages dot the entire reservation.

MR. POWELL. Are there roads?

MR. SHEPHERD. There are only two roads, two paved roads, one running east and west across the center of the reservation, approximately the center, which is a State road, and then BIA has intersected that road at approximately in the middle of the reservation running directly north to Casa Grande.

Now, there's approximately 650 miles of roads in this 4,500 square mile area. Most of those, approximately 60 percent of those roads, are unpassable much of the time. They are anything from trails up to fairly well-graded roads. The transportation problem is very tough especially for the villages or the Indians living in the villages in the outer areas. In the first place, they don't have many automobiles out there. In the second place, there's no public transportation whatsoever. So only those that live near the activity that hires can really go to work.

MR. POWELL. What about telephone service, electrical service?

MR. SHEPHERD. I think there's probably between 60 and 70 telephones on the reservation. Only, there are fewer than 20 of those outside the city or the village of Sells which is kind of the capital of the reservation.

MR. POWELL. Thank you.

Mr. Escalante, we understand you have approached private construction contractors employing few or no Indians to ask them to hire more Indians. Is that correct?

MR. ESCALANTE. That's right.

Mr. Powell. What kind of response have you received?

Mr. Escalante. They told me they brought in their own people from California and they told me, well, if anybody wanted a job they could come over and get an application and fill it out. Only one Indian went up there and got a job now.

Mr. Powell. We understand that you and Mr. Shepherd participated in the preparation of a survey of employment opportunities available for Indians on or near the reservation. Did you not?

Mr. Escalante. Yes, sir.

Mr. Powell. Would you please tell us what that survey—about the findings of that survey regarding the filling of positions by Papagos?

Mr. Escalante. When we found that there were a lot of young people and even older people and middle aged that want to work, that want to be trained. And we find at least maybe 40 percent, 47 percent, want to go in the training program. And we got all those names and everything else like that. Shepherd can tell you.

Mr. Powell. Mr. Shepherd, do you want to comment for us?

Mr. Shepherd. Yes. We made two surveys, one in the mining industry, because the mining industry should have a large impact on the Papago reservation inasmuch as it kind of surrounds the reservation. Secondly was the towns immediately off the reservation like Casa Grande and Gila Bend and Buckeye. Very few Indians work in the towns or cities right off the reservation. For instance, Buckeye, which is almost contiguous with the reservation, and about four or five different companies that we surveyed didn't have one single Indian.

Gila Bend is perhaps the best area for employment, the Gila Bend-Ajo area.

Casa Grande, there were very few Indians— It's 10 miles from Casa Grande to the reservation, yet there are very few Indians employed in Casa Grande.

Mr. Powell. We understand there are about 2,500 jobs close to the reservation in communities where Indians trade. Does that sound—

Mr. Shepherd. Those are the terms that I have just described.

Mr. Powell. And only 60 Indians are employed in those 2,500 jobs?

Mr. Shepherd. That is correct. Those are the 2,500 jobs of the industries that we surveyed. We didn't survey every employment activity.

Mr. Powell. Breaking down some of those statistics in Buckeye, for example, the number of employees, including Indian employees, are as follows:

Buckeye Industries, 225 employees, no Indians.

Arizona Mach Company, 16 employees, no Indians.

Buckeye Auto Parts, 3 employees, no Indians.

O'Mally Buckeye Lumber Company, 7 employees, no Indians.

Buckeye Irrigation Company, 17 employees, no Indians.

Goodyear Aerospace Corporation, 1,462 employees, no Indians.

Mr. Shepherd. That is correct.

Mr. Powell. Mr. Shepherd, the survey in question primarily dealt with the mining industry, did it not?

Mr. Shepherd. That is true.

Mr. Powell. Will you please tell us something about that survey and its purposes?

Mr. Shepherd. Well, the purpose of the survey—the Bureau of Mines asked us to come out here and do this: The Papago Indians have some copper on their own reservation, and two areas have been leased out. One is an active mine or there are two mines active, one on the San Xavier reservation, one on the main Sells reservation. They felt that the Indians were not getting a sufficient amount of employment from any of these areas. There are eight mines located within a commuting distance of the reservation.

And so they went to the Bureau of Mines— Well, when they approached the companies, they said, "Well, we're hiring all of the qualified Indians that we can find." So they went to the Bureau of Mines and asked the Bureau if they could qualify the Indians to go to work for them. So the Bureau of Mines then sent us in here to make a survey to see if there were really employment opportunities for the Indians and, if so, if there were a sufficient number of Indians who really wanted to go to work. And so we made the survey.

And to your initial question, in the mining area there are approximately 8,000 jobs within a reasonable commuting distance on or almost immediately within the vicinity of the reservation. And there are approximately 200 Indians employed in those 8,000 jobs.

Mr. Powell. About 2 percent?

Mr. Shepherd. Yes, sir.

Mr. Powell. And the Indian population in that area is 15 percent or above? Is that correct?

Mr. Shepherd. I'm not sure of the figures. Of course, some of the mines are surrounded by Indians. They're on reservations.

Mr. Powell. Yes, even higher.

Is it not true, Mr. Shepherd, that the report indicates, for example, that out of 1,258 employees of the Phelps Dodge Corporation there, only 96 Indians are employed? And that out of 500 employees of the Hecla Mining Company located on the reservation only 50 are Indians?

Mr. Shepherd. Yes, sir.

Mr. Powell. Is that correct?

Mr. Shepherd. Right.

Mr. Powell. I take it that this is especially important in light of the fact that a lease is being negotiated with the Hecla Corporation on the reservation? Is that correct?

Mr. Shepherd. The lease has been— I guess the lease has been already—

Mr. Powell. Has recently been executed, yes.

Mr. Shepherd. Yes.

Mr. Powell. Do you have any information as to whether or not there is a clause in that lease regarding employment of Indians?

Mr. Shepherd. There is none, I have been told by the tribal chairman. There is no clause in the lease requiring employment of Indians.

Mr. Powell. Shouldn't such leases include such agreements?

Mr. Shepherd. Well, I'm not really qualified, I guess, to—

Mr. Powell. Do such leases—

Mr. Shepherd. Oh, yes, yes, many companies do have such leases.

Mr. Powell. Now, is there sometimes an oral agreement covering such subjects?

Mr. Shepherd. Well, the Papago felt that they had an oral agreement. They thought that approximately 50 percent of the employees would be Indians.

Mr. Powell. Isn't it the responsibility of the Bureau of Indian Affairs to review such leases and protect the interests of Indians?

Mr. Shepherd. Yes, sir.

Mr. Powell. What happened in this case?

Mr. Shepherd. They have to sign the lease.

Mr. Powell. They signed without such a provision?

Mr. Shepherd. Yes.

Mr. Powell. Now, is transportation a problem, Mr. Shepherd?

Mr. Shepherd. Yes.

Mr. Powell. For Indians?

Mr. Shepherd. It's a terrible problem. They hardly have any transportation.

Mr. Powell. Hecla Mining Company operates a shuttle service between the mine and the town of Casa Grande 36 miles away? Is that correct?

Mr. Shepherd. That is correct.

Mr. Powell. And the exclusive purpose of that shuttle service is to bring in Anglo employees? Is that correct?

Mr. Shepherd. I guess any employees that—

Mr. Powell. Or non-Indian employees, I should say?

MR. SHEPHERD. Any employees that reside in the Casa Grande area, yes, sir.

MR. POWELL. Is such transportation provided for Indians living on the reservation?

MR. SHEPHERD. No, sir.

MR. POWELL. Have you ever inquired about the possibility of a shuttle service for Indian employees?

MR. SHEPHERD. Yes. I asked the former personnel director of Hecla why he didn't run a bus to the south, and he said that it was not economically feasible, there were not enough Indians working at the mine from the south to justify it.

MR. POWELL. But had there been transportation provided there might be more Indian employees? Is that correct?

MR. SHEPHERD. Well, a lot of Indians are not employed because they don't have transportation. You're right.

MR. POWELL. Mr. Shepherd, you have dealt with—How many mining companies in the area? Five?

MR. SHEPHERD. Eight.

MR. POWELL. Eight mining companies in the area?

MR. SHEPHERD. Yes, sir.

MR. POWELL. Do you know whether or not they have affirmative action programs?

MR. SHEPHERD. I have asked them all and got a negative answer.

MR. POWELL. They say they have no affirmative action programs?

MR. SHEPHERD. Right.

MR. POWELL. Well, whether or not they have affirmative action programs, their employment pattern regarding Indians would indicate either that they don't have such programs or that the Indian component of such programs is either inadequate or not being satisfied. Would you agree?

MR. SHEPHERD. The evidence indicates that, yes, sir.

MR. POWELL. What about the standards of employment, Mr. Shepherd? Are they realistic and are they uniform?

MR. SHEPHERD. Well, the standards are certainly not uniform, in that some of the companies require the sheepskin from high school. They must have the certificate, whereas others don't.

You might think this particularly bad for the Papago because the Papago didn't have a high school on the reservation until 1970. And as a consequence, very few Papago even started high school, much less finished it.

I think much improvement would come if they had more realistic—you know, you have to question the realism of their standards inasmuch as they are so inconsistent among the different mines. If a guy can work out at a sixth grade education in one mine doing identically the same thing in another mine it would appear that he should work out over there. But he can't even start without the sheepskin.

MR. POWELL. Given the location of these mines, some of which are near, some of which are on reservations, are there any training programs available to prepare Indians for work with the mining companies?

MR. SHEPHERD. Entry level jobs, no. After the people have been hired, there is some training in the mines but—

MR. POWELL. If the companies really had a commitment to hire Indians, wouldn't you, in light of your experience as a personnel officer and an industrial relations person, wouldn't you think that they would provide training programs for the entry level?

MR. SHEPHERD. I always did, yes, sir. I think the majority of companies that certainly can afford this have done it all over the country.

MR. POWELL. Given the population, the lack of education and the need for employment, could you have an effective affirmative action program without having such training programs?

MR. SHEPHERD. No.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Ruiz?

COMMISSIONER RUIZ. On these Hecla and Asarco leases which are exploiting reservation resources, I can understand that you might have difficulty in trying to enforce the oral part of a written agreement that 50 percent of the employed be Indians. Have you explored the possibility, however, of rescinding the lease if in fact this misrepresentation was made—induced by the misrepresentation—and seek to set aside this lease in a Federal court? Have you looked into that?

MR. SHEPHERD. To whom are you directing it?

COMMISSIONER RUIZ. I'm directing my inquiry to you.

MR. SHEPHERD. I have no authority in that area. I do not work for the tribe. I can't answer it.

COMMISSIONER RUIZ. Have you checked into that (to Mr. Escalante)?

MR. ESCALANTE. No, sir.

COMMISSIONER RUIZ. Do you have attorneys?

MR. ESCALANTE. Yes, we have a pueblo attorney.

COMMISSIONER RUIZ. Has anything been done with respect to this alleged misrepresentation by the lawyers?

MR. ESCALANTE. Not that I know of.

COMMISSIONER RUIZ. That's all.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. No questions.

COMMISSIONER FREEMAN. Thank you, gentlemen. You may be excused.

Before we call the next witness, I would like to acknowledge the presence at this hearing this morning of the following members of the Arizona Civil Rights Commission:

The vice chairman, Mr. Manuel Matta. Will you stand, please?

Mrs. John F. Sullivan.

Mrs. Etta Dalton.

Mrs. Genevieve Harper.

Mr. Andrew Hoge.

And Mr. Ford Smith, the executive director.

We are pleased to have you.

Our next witness will be Mr. William Gremley, Project Director, Indian Special Emphasis Program, OFCC.

Will you and the young lady who is accompanying you, if she is going to be giving any statements—

MR. GREMLEY. This is Miss Gwen Crockett, a Department of Labor solicitor.

COMMISSIONER FREEMAN. Miss Crockett, will you be giving testimony also?

MISS CROCKETT. Yes.

COMMISSIONER FREEMAN. Will you be sworn?

(Whereupon, Mr. William Gremley and Miss Gwendolyn Crockett were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. WILLIAM GREMLEY, PROJECT DIRECTOR, INDIAN SPECIAL EMPHASIS PROGRAM, OFFICE OF FEDERAL CONTRACT COMPLIANCE, AND MISS GWENDOLYN CROCKETT, OFFICE OF THE SOLICITOR, U.S. DEPARTMENT OF LABOR

COMMISSIONER FREEMAN. Thank you. You may be seated.

Mr. Smith will begin the questioning.

MR. GREMLEY. Madam Chairperson, I have a statement which I would like to read on behalf—

MR. SMITH. Before you start, will you state your names and occupations for the record?

MR. GREMLEY. William Gremley, Contract Compliance Officer and Director of the Special American Indian Project of the Office of Federal Contract Compliance.

MISS CROCKETT. I am Gwendolyn Crockett, U.S. Department of Labor, Office of the Solicitor.

MR. SMITH. You say you have a brief statement?

MR. GREMLEY. I have a statement on behalf of Philip J. Davis, Acting Director of OFCC.

MR. SMITH. About how long do you think it will take to give that statement?

MR. GREMLEY. Possibly 10 minutes.

MR. SMITH. And that statement will explain the Indian Special Emphasis Program that you work with?

MR. GREMLEY. Yes. And we would like it to be in the record.

I have made a few changes, and I can have it retyped and delivered to the Staff Director's office next week.

Mr. Smith. Excuse me just one second. Could you summarize that statement, Mr. Gremley? To the extent that it has a bearing on our information with respect to the rest of this record we'd like to hear it. To the extent that it is just statistical it might take too much time.

Are you familiar with the contents of that statement?

Mr. Gremley. Yes, I have read it.

In other words, you would rather me not read the entire statement?

Mr. Powell. We will receive the entire statement in the record, but we would prefer a summary for purposes of facilitating hearing all the witnesses today.

Mr. Gremley. Then I will have to extemporize.

Mr. Smith. In other words, we would like you to describe for us the Indian Special Emphasis Program.

Mr. Gremley. Yes.

Mr. Smith. And to the extent the statement answers that question, we'd like you to respond to that. But with regard to the rest of it, if you would submit it for the record.

Mr. Gremley. Okay. The contract compliance program of the Federal Government, as you know, is approximately 10 years old. But it was not until late 1969, 1970 that compliance targeting took place and programming took place concerning American Indians.

In the early years of the program, the emphasis was on blacks and mostly in urban areas. In the middle '60's emphasis was directed toward people of Spanish surname. And then in the late '60's, of course, female discrimination became a very great concern of the Commission with the amendment of the Executive Order.

Now we are engaged in a program that is reservation-directed.

Mr. Powell. With respect to this program, was an effort made to recruit a qualified Indian to serve as project director of the Indian Special Emphasis Program?

Mr. Gremley. No, although we have tried to get qualified Indians on our staff.

Mr. Powell. Do you think that it might be a good thing to try to get an Indian?

Mr. Gremley. Yes. Yes, very much so.

Mr. Powell. You would recommend that?

Mr. Gremley. Yes.

Mr. Powell. Continue.

Mr. Gremley. The program began in 1971, and it was based on the idea of selecting key reservations, with certain limitations because of staff limitations. We targeted in on reservations with a labor force of 300 or more.

Now, I'm well aware there are many smaller reservations with severe unemployment problems, but we just have so many people—well, I'm the person doing the work, and—

MR. POWELL. This program, is it a Government-funded program?

MR. GREMLEY. Yes, it's part of an OFCC program, yes.

MR. POWELL. You have a contractor that is undertaking its operation?

MR. GREMLEY. No, no. We do it ourselves.

MR. POWELL. What about requiring the contractors themselves to undertake such programs particularly in areas of high Indian concentration? What about requiring training programs on the part of contractors who have facilities on reservations?

MR. GREMLEY. Well, frequently that becomes a condition of a compliance review.

MR. POWELL. You do not require—

MR. GREMLEY. Oh, yes.

MR. POWELL. So when you review the plans of any company that doesn't have such training programs they would not be approved? Is that correct?

MR. GREMLEY. Not necessarily. The question of whether a compliance officer has a—can make a training program mandatory—is a difficult one to answer. But certainly—

MR. POWELL. Well, you can require that they meet certain goals and timetables?

MR. GREMLEY. Oh, yes, yes. Yes. That is mandatory.

MR. POWELL. So that if you need a training program to meet those goals and timetables, wouldn't it be a question of whether this would be approved?

MR. GREMLEY. Such a commitment or agreement could be obtained, yes.

The program began in 1971 with what we call a pilot review. We selected—we have a universe right now of 19 reservations where we know there's approximately 91 to 100 contractor facilities with work forces in excess of 100. We do not, of course, go much below that type of a work force.

We began in September of 1971 with a review at the Fort Hall reservation in Idaho near Pocatello. Since that time we have reviewed—these are pilot reviews—at Crow reservation, Colville, Flat Head, Wind River, Nez Perce, Lummi, and Papago.

A pilot review is actually a generating review. We do the one review in cooperation with the appropriate compliance agency, and while we are there we relate to the tribe and try to ascertain the number and extent of the other government contractors on or near the reservation. Then when I return from such a visit, we get letters out to the appropriate Government agencies, compliance agencies, directing them to schedule those additional compliance reviews.

MR. POWELL. Do you also make it a part of your policy to get in touch with the Equal Employment Opportunity Commission?

MR. GREMLEY. Yes.

MR. POWELL. Where there are non-Federal contractors?

MR. GREMLEY. Yes.

MR. POWELL. You work in close compliance with them?

MR. GREMLEY. With non-Federal contractors, did you say?

MR. POWELL. Yes, where there is not a Federal contractor, where the employer on or near a reservation is not a Federal contractor, I take it you get in touch with the Equal Employment Opportunity Commission?

MR. GREMLEY. No, no. We have taken no program action along those lines.

MR. POWELL. Would that be a good idea?

MR. GREMLEY. Yes, it would. It would be a good idea to do that.

MR. POWELL. I understand that there's been no review on the Navajo reservation, which has the highest—

MR. GREMLEY. Not yet.

MR. POWELL.—Indian labor force. Is that—

MR. GREMLEY. It has the highest what?

MR. POWELL. Highest Indian labor force.

MR. GREMLEY. That's true. A review on the Navajo reservation is scheduled in January.

We have done ten of these pilot reviews on eight reservations, and these reviews have generated an additional 66 other reviews which agencies have been directed to schedule. And we intend to continue with the program throughout the calendar year of 1973. We have 11 other reservations that are scheduled for the calendar year of 1973.

In terms of results—well, I'd like to say what, basically, the problem is. The problem is severe and appalling unemployment rates. We did a great deal of research and study on this matter using BIA sources, tribal sources, OEO CAP program sources on reservations, and so on.

As a general rule, you can conclude that, to my knowledge, with two exceptions in the country, the Choctaw reservation in Mississippi and the Seminole reservation in Florida, the range is 20 to 85 percent of unemployment. On the Navajo that you mentioned, I think it's roughly around 35 percent.

These are appalling conditions.

MR. POWELL. One of the things that we have uncovered in the course of our hearings, both here and in New Mexico, is that many Government contractors seem to feel that by having a sufficient number of blacks and a sufficient number of Mexican-

Americans—this is particularly true in New Mexico with contractors such as the Sonia Company I believe, Los Alamos—

MR. GREMLEY. Sonia?

MR. POWELL. Los Alamos is the one I recall.

MR. GREMLEY. Yes, I'm familiar with Los Alamos.

MR. POWELL. We find that while minority employment might seem to be adequate in terms of minorities such as Mexican-Americans, especially in New Mexico, when you look at the Indian component it's virtually non-existent with almost no Indians at any significantly high level.

Do you feel that a contractor who has failed to provide equal employment opportunity to Indians can get by with an affirmative action plan simply because he has other minorities employed?

MR. GREMLEY. He shouldn't. But that would depend on whether or not he has had a compliance review, and, of course, it would depend on the ability and the dedication of the compliance officer.

MR. POWELL. So that a compliance review with an officer carrying out his duty where Indians are not employed and where there's no training programs designed to look to meeting a goal within a reasonable time—that would not be approved? It would be subject to review?

MR. GREMLEY. Yes, if I were doing such a review and the contractor gave me an affirmative action program and it did not have goals and timetables for American Indians and there was a significant American Indian population nearby, I would not accept such an affirmative action program.

MR. POWELL. So that we have a general employment picture here, both in the private and State sector, but looking at the private sector where there are Federal contractors, where there are Indians not employed in anything like the numbers one would expect in terms of their percentage of the population, we can conclude that the Office of Federal Contract Compliance will look very closely at these Federal contractors?

MR. GREMLEY. Yes.

MR. POWELL.—And where they are failing their affirmative action programs would not be approved?

MR. GREMLEY. Yes, that is—well—let's put it this way: You do a compliance review. You find an affirmative action program not acceptable. Well, if before you leave the plant you can get the commitment to have it acceptable, then it does become acceptable.

I'd like to read, since you kind of touched on it, at least one paragraph from this statement.

We identified contractors for 19 reservations, a total of 91, with work forces ranging from 100 to 3,000. The total employment of these 91 facilities is approximately 40,000. And American Indians represent only 3.5 percent of that total employment.

The total Indian population on these 19 reservations—this excludes the Navajo reservation, incidentally—was 61,412, with a labor force of 18,323.

Unemployment on these reservations averages 42 percent with a range from 11 percent to 77 percent.

So that gives some dimension of the problem.

Now, I could make a comment on progress to date, but you have to keep this point in mind: The vast majority of the reviews that I have been talking about, both the pilot reviews and the reviews generated out of the program, are contractors who have never been reviewed. These are initial reviews.

Mr. Powell. Can I ask you a couple of questions about those employers?

Mr. Gremley. Sure.

Mr. Powell. Mr. Gremley, on the basis of your experience, what observations can you make regarding the attitudes of employers bordering reservations toward the problems faced by Indians in securing meaningful employment?

Mr. Gremley. In my judgment, most employers, contractor or non-contractor, on or near reservations, are indifferent to the employment problems of American Indians. There may be a spectrum of prejudice there from low to high, but "indifference" I think would be a good word that would characterize it.

There might be a few, of course, who might be contemptuous and completely discriminatory. There might be a few, a very few, who would be positive and welcoming and would take affirmative action. I haven't run across too many of those.

Mr. Powell. What about Indian involvement in labor unions? Are there any barriers presented by the lack of Indian involvement? Is there any Indian involvement in labor unions?

Mr. Gremley. Well, I think you asked me about problems Indians face, Mr. Powell. You want my opinion on that?

Mr. Powell. I'm sorry. Go ahead. I thought you were finished.

Mr. Gremley. This indifference, discrimination, transportation, commuting problems, lack of bus lines, lack of roads, which has been mentioned before; on some reservations, lack of skills—not all because skills inventories have been made on several reservations and many skills have been revealed. Among older persons, particularly, a lower education level will inhibit skill acquiring or promotion. Younger Indians lack motivation because of years of disillusionment with many of these problems.

Testing, the whole area of testing, is a problem that American Indians face, and I might say most minority groups in America face the problem of testing, which too frequently has screened people out rather than screened people in.

Another problem they may face is the lack of technical assistance regarding job development on reservations.

Your next question was involving labor unions?

MR. POWELL. Yes.

MR. GREMLEY. Okay. Distance from the home where they live on the reservation to the labor union office. I think the Navajo reservation would be a good example where there would be a hundred, two hundred miles to go to Prescott or Flagstaff or even Phoenix to register and sign up with a given labor union.

Money. Initiation fees for many craft unions in particular is a pretty expensive proposition.

And possibly, although there may be many exceptions to this, again indifference and discrimination by labor union officials, although I do concede many I have met are sensitive to these particular problems.

I would say those are basically the three barriers.

MR. POWELL. Are you concerned at all with the provision which gives Indians preference for jobs on or near reservations? How do you interpret the term "near" with regard to preference extended to Indians on or near reservations? Are you concerned with that at all?

MR. GREMLEY. Yes, very, very much. "Near" becomes almost arbitrary in deciding what is the commuting distance. And this is difficult. For some people—I know a person who commutes on a given reservation 40 miles a day, 80 miles round trip, Indian worker—well, some may not want to do that.

But I would say, given the existence of good roads or an adequate road system, that 40 miles—many Indians will be very willing to commute that kind of distance.

Now, with reference to Indian preference clause on reservations—that's all we can talk about there—many leases that private employers have with tribal councils contain the Indian preference clause, Indian employment preference clause as was indicated earlier. However, my judgment of it is critical. The clause generally states, "Indians shall be given preference if qualified," and that is an open door for the contractor to say, "We can't hire you because you are not qualified."

I think the clause—that phrase—should be eliminated or the question of qualifications should be a joint matter between the tribe and the contractor, one or the other. For that reason I do not have too much faith in Indian preference clauses.

There's another aspect that I think is important that is relevant to employment, and that is the existence of 35 industrial parks on reservations. Thirty-five reservations have industrial parks.

MR. POWELL. Is that the State of Arizona? Are you talking generally? It's all right. For the record I just want it clear what you're talking about.

MR. GREMLEY. I'm talking generally. I don't know if there is one in the State of Arizona. Perhaps—

MR. POWELL. Certainly there are some in New Mexico, and I believe there may be some in Arizona.

MR. GREMLEY. Yes.

MR. POWELL. There are some in Arizona.

MR. GREMLEY. I have seen one on Wind River which is beautiful. All utilities in. Huge water tower. A spur line. And no takers so far.

And these industrial parks develop, naturally, leases between the tribal councils and the people they can bring in to build factories and plants. But as a generality this, I think, would be a very basic responsibility of American industry: To be more sensitive to the establishment of sites on reservations.

MR. POWELL. With respect to this preference clause, has any contractor ever been proved to be in violation of the Indian preference clause?

MR. GREMLEY. Well, Mr. Powell, OFCC has no responsibility for the Indian preference clause.

MR. POWELL. I see.

MR. GREMLEY. We operate under the seven paragraphs of the nondiscrimination clause.

MR. POWELL. I see. With respect to construction on Indian reservations, you might not be able to answer this question, but I understand that there is a right-to-work law in the State of Arizona.

MR. GREMLEY. Yes.

MR. POWELL. I further understand that Indians who have either rights under a preference clause or rights under a lease obligation to work are often not permitted to get jobs by virtue of some kind of labor list, some kind of hiring hall provision. Are you familiar with this problem?

MR. GREMLEY. No, I'm not, Mr. Powell. I would not—

MR. POWELL. I have no further questions, Madam Chairman.

COMMISSIONER FREEMAN. Mr. Gremley, with respect to your reply to the question concerning the definition of "near a reservation" and the difficulty with respect to determining the commuting area, I wonder if your office has ever inquired about the distance that the non-Indian may commute?

MR. GREMLEY. Oh, yes.

COMMISSIONER FREEMAN. And that if, for instance, there are non-Indians who commute 75 or 100 miles, if this may not be a good way of determining what is "near" a reservation?

MR. GREMLEY. Yes. A compliance officer, if he knows his business, will inquire into this matter during the compliance review and make a comparison. In other words, if a given contractor were to recruit in a community 60 miles away from his plant and does not recruit in an American Indian reservation that is 60 miles away, we would ask why not. If you can recruit for one, you can recruit for the other.

COMMISSIONER FREEMAN. Do you have information, examples, that you could make available to this Commission with respect to those cases?

MR. GREMLEY. Yes. I'd have to go back into the various review reports that have come out of the Indian program, and I think I possibly could make some examples available.

COMMISSIONER FREEMAN. Now, the other point that concerns me is the phrase "if qualified." I have been on this Commission, have been a member of it, for about 8½ years, and I remember back in February of 1965 when the Commission held hearings in Jackson, Mississippi. In response to our questions as to why there were no Negroes or blacks, the answer was, "We can't find any qualified Negroes or qualified blacks." And then in Montgomery, Alabama, in May 1968 they couldn't find any "qualified Negroes" or "qualified blacks."

And then in December of 1968 we went to San Antonio, Texas. We were studying the problems of Mexican Americans. And there was the same picture.

I feel like I'm hearing a broken record.

MR. GREMLEY. You are.

COMMISSIONER FREEMAN. And they couldn't find any "qualified Mexican Americans or Chicanos."

And in February of this year we were in New York, and they couldn't find any "qualified Puerto Ricans."

And today you can't find any "qualified Indians."

What disturbs me is that the word "qualified" only gets put in front of a member of a minority or an ethnic. The assumption seems to be that all whites are qualified. You never hear about anybody looking for a "qualified white person."

MR. GREMLEY. I agree with you.

COMMISSIONER FREEMAN. And, you see, it seems that the word "qualified" sort of dangles as an excuse for discriminating against minorities. I'm pursuing this with you because the Office of Federal Contract Compliance, it seems to me, has a real responsibility here to get to the guts of the issue.

MR. GREMLEY. May I comment?

COMMISSIONER FREEMAN. Yes, you may.

MR. GREMLEY. I agree with you fully, Madam Chairperson. This has been one of the syndromes of employment discrimination, the history of employment discrimination, against all minority groups in this country. And the fact that it is now utilized as a syndrome vis-a-vis American Indians is not startling or surprising. Our process to overcome it is to establish with the contractor and the tribal employment person. Usually every tribe has a tribal employment person, sometimes it's a direct employee of the tribe, sometimes it's a BIA employment assistance officer, sometimes it's a CAP program job developer, and so on. But to establish this is a must for every compliance review we undertake—a productive, fruitful and continuing relationship between the contractor and the tribe so that we get over this business of "if qualified" and have the contractor rely on the tribal job developers to find the kind of people he wants or to aid him in setting up training programs of one kind or another.

But your comments merely expanded and emphasized my previous comment that I object to this word "if qualified" in Indian preference clauses.

COMMISSIONER FREEMAN. Commissioner Ruiz?

MISS CROCKETT. I'd like to make a point.

COMMISSIONER RUIZ. You go right ahead.

MISS CROCKETT. I think there was a question asked regarding the Navajo reservation, and the response was that there had not been a compliance review conducted on the Navajo reservation.

Well, in fact, there was a compliance review, I think, during the latter part of 1971 that involved the regional office of OFCC and not the national office.

The problems of the Navajo reservation, you may be familiar with, grew out of an attempt to enforce the Indian preference clause. Of course, there are other problems, too, regarding the home town plan that was submitted and initially approved by OFCC, and there were some problems in the implementation of the plan, so that now the State of Arizona does operate under bid conditions that have goals and timetables that are applicable to reservations.

The compliance review that was conducted was participated in by an OFCC representative, and it's my understanding that at that time there was no finding of non-compliance with reference to the bid conditions, but in terms of the terms and conditions of the lease agreement that the contractors had entered into with the tribal council as far as the Indian employment preference was concerned, those problems seem to be in the stage of negotiations.

We have not received any definite information regarding the final solutions. But we have been told that they will keep us informed with reference to whatever agreements they work out.

But this, perhaps, represents one of our first involvements with the application of the Indian preference clause, and, as we said before, it is not the responsibility of OFCC in the enforcement of the Indian preference clause, but we have agreed to work with the tribal council groups when our opinion is requested regarding the drafting of an effective clause that will be designed to protect as well as implement the Indian employment preference.

MR. POWELL. Even though it's not your responsibility to enforce Indian preference, in evaluating affirmative action plans—efforts of employers under affirmative action plans, particularly with respect to whether they have used their best efforts to carry out their goals and timetables—the preference clause gives them a handle, does it not,—

MISS CROCKETT. Yes, it does.

MR. POWELL.—in evaluating whether or not they have carried it out? So you look to the extent to which they have made use of the preference clause? Would you not?

MISS CROCKETT. We certainly look to the extent to which they have carried out their commitments to us as well as the fact that if it is possible for us to assist in the enforcement of a clause that becomes a part of their contractual agreement with the Indian tribes or whatever the local governmental agency representing the Indians, then we will do what we can to assist in that.

MR. POWELL. I see. Thank you.

MR. GREMLEY. Mr. Powell, a comment on that. As you know, there can be a dovetailing, because Revised Order 4 does give the compliance officer the right to demand Indian goals and timetables—or for any specific minority group.

COMMISSIONER FREEMAN. Commissioner Ruiz.

COMMISSIONER. RUIZ. Even if it's not your responsibility for enforcement, based upon your reviews, have you ever recommended that punitive action be taken for contract noncompliance or contract compliance violation either by the Department of Justice or by the particular Federal agency which is giving out a contract involving Federal funding?

MR. GREMLEY. Yes. There is a procedure in the compliance process called "show cause." And show cause notices then are carried out by an appropriate contract compliance agency responsible for the given type of industry. Yes, this has happened.

COMMISSIONER RUIZ. You have done that?

MR. GREMLEY. Yes.

COMMISSIONER RUIZ. On many occasions?

MR. GREMLEY. Yes.

COMMISSIONER RUIZ. And as a consequence of that have you gone as far as I have just mentioned? Has the resulting—

MR. GREMLEY. No, no.

COMMISSIONER RUIZ. How far has it progressed? Simply by making an agreement?

MR. GREMLEY. In—

COMMISSIONER RUIZ. Have these agreements been satisfactory to you?

MR. GREMLEY. As yet we have no returns on them, Mr. Commissioner.

COMMISSIONER RUIZ. You have never made an agreement thus far—

MR. GREMLEY. With the agency.

COMMISSIONER RUIZ.—with an order to show cause with respect to a contractor for noncompliance with a contract?

MR. GREMLEY. In this particular case the OFCC directs the compliance agency to issue the show cause. These have taken place in the last 4 or 5 months. We do not yet have returns. Let me put it that way. It's too early yet to assess whether or not the agency has worked out an acceptable program with a given contractor. But we expect to get that information and results in the near future.

COMMISSIONER RUIZ. As I understand your testimony, you cannot name one favorable settlement made thus far?

MR. GREMLEY. That is right, sir.

COMMISSIONER RUIZ. We have heard frequently references to the part that Indian cultural differences play in the attempt of Indians to compete with non-Indians for jobs. What responsibility, in your opinion, do private employers operating on or near reservations have to sensitize their employment personnel to some of these differences and to overcome conflicts that may be presented?

MR. GREMLEY. I would say they have a full responsibility to so do and to become more sensitive to what has been called cultural differences.

Let me give you one example on one reservation. It's a very large reservation in the Northwest. The contractor complained to me that Indian people did not call up in the morning when they weren't coming to work. He overlooked a couple of things. Number one, only 5 percent of the people on the reservation had telephones. Number two, it was a big reservation, and a neighbor might be half a mile away. Well, it's very difficult to get out of bed if you're sick, and walk a half a mile.

But he overlooked another very essential cultural difference. For the most part, in terms of an Indian cultural attitude, Indians do not like to bother people, and the idea of going to your neighbor and asking to make a phone call is not part of a tradition.

I pointed these things out to him, and hopefully he'll be more sensitive in the future.

One of the ways we have tried to overcome this insensitivity is if an employer would say, "Well, Indians are irresponsible. They don't call up, and they go fishing, and all that sort of thing," I have arranged for a tribal committee to relate to the contractor and I have obtained a commitment from the contractor to visit that reservation once a month, and if he has problems of that type to bring the problems to the tribe and let the tribal employment committee help him with them. We have found that this particular technique has worked.

COMMISSIONER RUIZ. Other than that particular instance where you have the employer perhaps go out and visit the tribe to learn something about sensitivity, do you have any others in mind that you have requested so that programs in affirmative action situations may, as part of the affirmative action program—

MR. GREMLEY. I have nothing else, Mr. Commissioner, but I might add that this is a young program, relatively speaking, and hopefully as we go along and get more experience we will develop more techniques and sophistication along these lines.

COMMISSIONER RUIZ. Thank you.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Just one question, Mr. Gremley. When OFCC asks Federal contracting agencies to issue show cause letters, suppose in your best judgment the result of that show cause is that the contract needs to be terminated. Whose responsibility is it to terminate it?

MR. GREMLEY. It could be either OFCC or the agency to take action. What would follow a show cause, according to Order No. 4, Revised Order No. 4, as you know, is a 10-day public notice, and that could be the next step. Basically it would be an agency responsibility.

MR. BUGGS. Have you had any difficulty in having Federal agencies issue show cause letters?

MISS CROCKETT. Well, there have been some instances in which some of the compliance agencies have been reluctant to issue such show cause notices, and in those instances the Office of Federal Contract Compliance can assume responsibility and pursue the formal remedies of debarment or cancellation or termination.

MR. BUGGS. Have any of those things ever happened on OFCC's part?

MISS CROCKETT. Not in terms of our American Indian program. It has not. We have not been involved enough in the construction or the non-construction industries regarding reservations and on or near reservation problems.

MR. BUGGS. On the basis of your present knowledge of the employment situation of Indians on or near reservations, and if show cause letters are required, and if as you have indicated they have been or are returned and no substantial improvement has been indicated, is OFCC going to recommend termination of contracts or debarment?

MISS. CROCKETT. Definitely.

MR. GREMLEY. Yes.

MISS. CROCKETT. Yes.

Mr. Buggs. Thank you.

Mr. Gremley. Could I just make a comment about construction? We have not yet formulated a construction universe of the multitude of construction projects taking place on Indian reservations. Many reservations have no significant non-construction contractor sites within hundreds of miles. But on every reservation there is usually some construction taking place, and invariably it is Federal construction or federally-assisted construction.

We do make surveys when I do a pilot review of what construction activities are ongoing or contemplated. Eventually we hope to establish an effective construction compliance program, and we will direct agencies to make compliance reviews of such projects.

Miss Crockett mentioned the Navajo thing. And we have recommended a review of Grand Coulee Dam in the Colville reservation.

Commissioner Freeman. Thank you. The witnesses are excused.

This hearing will be in recess for 10 minutes.

(Whereupon, a recess was taken.)

Commissioner Freeman. The hearing is called to order. Will everyone be seated?

I would like to call the following witnesses: Mr. D. H. Orr, Mr. John Breen, Mr. Jim H. Hunter, Mr. Dick Glover. Will you come forward, please?

Mr. Powell. Madam Chairman, I believe some of these witnesses are accompanied by counsel, and counsel should identify himself and indicate in what capacity he is appearing.

Mr. Sievwright. Ralph Sievwright, attorney for Hecla. Attorney in Phoenix with Twitty, Sievwright & Mills.

Mr. Boland. My name is John M. Boland, Jr. I am an attorney in Phoenix, and I represent Mr. Breen, Mr. Orr, and their employer, the Phelps Dodge Corporation.

Commissioner Freeman. Will the individuals who will be giving testimony remain standing and be sworn?

(Whereupon, Messrs. D. H. Orr, John Breen, Jim H. Hunter, and Dick Glover were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. D. H. ORR, MANAGER, NEW CORNEILA BRANCH, PHELPS DODGE CORPORATION; MR. JOHN BREEN, EMPLOYMENT AGENCY, NEW CORNEILA BRANCH, PHELPS DODGE CORPORATION; MR. JIM H. HUNTER, PROJECT MANAGER, HECLA MINING COMPANY; AND MR. DICK GLOVER, PERSONNEL MANAGER, HECLA MINING COMPANY

Commissioner Freeman. Thank you. You may be seated.

Mr. Powell, you may proceed.

MR. POWELL. Will the witnesses sit near microphones? The attorneys can sit on the side.

Beginning with the witness on my left, the first witness on my left—

COMMISSIONER FREEMAN. Excuse me, please. I just want to be sure that the attorney who is sitting near the end will watch his chair. We would not want you falling off backward, sir.

MR. BOLAND. Thank you very much. I will. Perhaps we need some levity anyway. Maybe I could fal backwards. (Laughter.)

MR. POWELL. Would you each please state your name, address, and position for the record beginning with the gentleman on my left?

MR. HUNTER. My name is Jim Hunter. I'm Lake Shore Project Manager for Hecla Mining Company. I live in Casa Grande, Arizona.

MR. GLOVER. My name is Richard D. Glover, Hecla Mining Company, Lake Shore Project Personnel Manager. I live in Casa Grande.

MR. ORR. My name is David H. Orr. I am Manager for Phelps Dodge Corporation, New Corneila Branch, Ajo, Arizona.

MR. BREEN. I am John Edward Breen. I live in Ajo, Arizona, at 121 Lamina Avenue. I am the employment agent for the New Corneila Branch of Phelps Dodge Corporation.

MR. POWELL. Mr. Orr, we have heard earlier testimony that with respect— You have a facility near the Papago reservation, do you not?

MR. ORR. Yes.

MR. POWELL. We have heard testimony with respect to that facility that you have a total of 1,258 employees and that only 96 of those employees are Indian. Is that correct? Is that substantially correct?

MR. ORR. Approximately correct.

MR. POWELL. Mr. Hunter, we have heard testimony that you have a facility on the Papago reservation. Is that correct?

MR. HUNTER. That's correct.

MR. POWELL. And that employed at that facility are some 500 people and only 50 of those people are Indian. Is that correct?

MR. HUNTER. That is correct at the present time.

MR. POWELL. Now, this is a question for both Mr. Orr and Mr. Hunter. You gentlemen are both in charge of relatively large operations, one which borders and the other which is located directly on one of the most economically depressed Indian reservations in the country. We have heard testimony here today that Papago Indians share very little in the employment opportunities presented by the mining industry in the Papago area. Due to your proximity to the reservation, do you feel any sense of community obligation to provide employment opportunities to Indian people?

Mr. Orr?

Mr. Orr. Yes.

Mr. Powell. Well, do you feel that you are carrying out that obligation? Do you feel that the employment pattern we have just indicated carries out that obligation?

Do you think that 96 employees in an area which is predominantly Indian or at least significantly Indian in your area is carrying out that obligation?

Do you understand the question?

Mr. Orr. I'm not sure that I do.

Mr. Powell. Well, you employ, I would say, something like 7 percent. Is that right? Ninety-six employees of a total employment workforce of some 1,258? Do you think that's adequate employment opportunity for Indians?

Mr. Orr. Apparently not.

Mr. Powell. Apparently? Don't you have a view?

Mr. Orr. The percentage of our Indian employment is merely an accident of the way Indians have come, presented themselves to us to seek jobs.

Mr. Powell. Well, would you care to elaborate? Would you care to elaborate on that?

Mr. Orr. Indians are treated like any other person.

Mr. Powell. Well, we have heard testimony contrary to that. We have heard testimony about stereotypes and what not. But don't you have an obligation to take affirmative action to see to it that members of minority groups are afforded an equal employment opportunity?

Mr. Orr. Yes.

Mr. Powell. Well, in what respects, if any, are you undertaking to carry out that obligation? We have heard testimony, for example, that you have no training programs for entry level positions. We have heard testimony, for example, that some employers require high school diplomas for jobs which don't require—which presumably don't require—high school diplomas because other employers employ people at that level without a high school diploma. What is your policy regarding your lower level jobs, your lower skilled jobs? Do you require a high school diploma for all your entry level employees?

You might want your personnel manager to speak to that.

Mr. Orr. He can be more accurate than I can on that.

Mr. Breen. We do not require a high school diploma for employment at the New Corneila Branch.

Mr. Powell. What steps do you take to see to it that Indians get an opportunity for entry level positions?

Mr. Breen. As Mr. Orr previously stated, we attempt to treat the Indians and everyone else exactly the same.

Mr. Powell. Well, you don't—apparently you don't understand what the law is. Indians are members of a minority group. They are in a depressed area. They have little educational opportunity. Yet under the law, under Title VII, where you have a low utilization figure and where you have a history of not employing minorities, you are required, are you not, to take affirmative action?

Among the kind of affirmative action you are required to take is training programs. You are required to make a survey of your labor force. You are required to see whether people in that labor force, particularly minority people, are underutilized.

I tell you that in my opinion you have an underutilization of Indians, and I want to know to what extent you are addressing yourself to that.

Now, you have been very mute here. Would you respond?

Mr. Breen. Yes, I'd be happy to, Mr. Powell. We did—we have an affirmative action program, and we have set our goals and timetables, and we are doing the best that we can to meet these goals and timetables.

Mr. Powell. Do you have a training program for entry level for potential Indian employees?

Mr. Breen. You mean a training program that would be given to people before they are offered employment?

Mr. Powell. A training program that would be given to people either before they are employed or—no, either before they are employed or after they are employed. Do you have any training program at all?

Mr. Breen. Yes, we have training programs. We have an apprenticeship program. It's registered with the Bureau of Apprenticeship Training. We have welder learner programs, armature winder programs.

Mr. Powell. Well, how many people are in your training program for your entry level positions?

Mr. Breen. We do not have any training program for entrance level people. We don't train them before we hire them. They have to be on our payroll before they could qualify for training.

Mr. Powell. Well,—

Mr. Breen. We do not train people before we hire them.

Mr. Powell. Well, in hiring people you make some estimation, do you not, of whether or not with training they can qualify for positions?

Mr. Breen. That's right.

Mr. Powell. Well, now, how many of those people—how many Indians—do you have in that category?

Mr. Breen. Well, I would say that our percentage of Indian hires per application is greater than it is for the general run of the population.

Mr. Powell. Indian hires per application?

Mr. Breen. Right.

Mr. Powell. Presumably you don't have many applications, then, do you?

Mr. Breen. Yes, we do. We have very few applications from Indians. And I think the test—

Mr. Powell. You say you have very few applications from Indians, so you don't have very many?

Mr. Breen. Right. As was testified earlier by Mr. Sonya Shepherd and Mr. Tony Escalante from the Papago Indian reservation, I think one of the biggest problems there is the roads, communications, these little villages. I think that's why they don't apply to us. There's no way for them to get there.

Mr. Powell. Well, can you come—

Mr. Breen. We cannot build roads on the reservation as far as I know. That should be a function of the Federal Government.

Mr. Powell. Have you been in touch with the tribal leaders to make known that there are opportunities available at Phelps Dodge Corporation?

Mr. Breen. I sure have. This Mr. Shepherd that testified earlier, I urged him to send Indian applicants to us. I have talked to Mr. Tony Escalante and have done the same for him. He is the job developer on the Papago Indian reservation.

We have made a sincere effort to hire Indian people. But we do not train anyone before offering them employment.

Mr. Powell. Have you used mobile units to go out and seek Indian employees on the reservation?

Mr. Breen. No, we have not. Nor have we sent them anywhere.

Mr. Powell. Is that a feasible method?

Mr. Breen. We are currently studying quite a few suggestions that were given to us by Mr. Gremley in an effort to more fully utilize the Indian people, and we are going to do everything that we can to meet all of his suggestions.

Mr. Powell. Do you feel that your employment, your recruiting approach for Indians can be the same as your recruiting approach for non-Indians?

Mr. Breen. Well, I have recently discovered that it probably cannot.

Mr. Powell. So that when you say you take the same posture with respect to Indians as you do toward others, you realize that you're not really complying with the requirements of the law?

Mr. Breen. Well, I realize that we are going to have to change our policies in some areas by accepting the suggestions that were given to us by Mr. Gremley.

Mr. Powell. Now, you say you have a training program.

Mr. Breen. Yes.

Mr. Powell. Is that right? Now, is that training program and other devices used to promote Indians at the job categories at Phelps Dodge?

Mr. Breen. No, it is not used to promote any one race. It's just used to promote our total workforce.

Mr. Powell. Well, in the general promotion of people do you find that Indians are being promoted at a rate comparable to your other non-Indian employees, your some 1,100 non-Indian employees?

Mr. Breen. No, they are not.

Mr. Powell. Why is that?

Mr. Breen. Well, that is something that we are trying to study and see if we can find out why it is. It might be their education or whether or not that they have applied for or want that kind of training. I really couldn't answer that.

Mr. Powell. How long have you been in business at this facility?

Mr. Breen. I have had my present job since—

Mr. Powell. Not you. How long has the company been there?

Mr. Breen. Since 1934 approximately.

Mr. Powell. Since 1934? Close to 40 years. And yet in all that time you haven't learned how to have a better employment pattern for the people who have been there for several hundred years and for the people who need employment?

I would ask you this: Would you provide to the Commission within the next—what would you say would be a reasonable period? I understand that you're now undertaking to improve your employment pattern—is that correct?

Mr. Breen. That is correct.

Mr. Powell. Would you provide us with figures within the next 3 months showing what improvements you have made, been making and are making? Would you do that for us? And also a copy of your affirmative action plan?

Mr. Boland. I will answer for Mr. Breen. To the extent that the Commission asks us for material, Mr. Powell, we will do everything we can to supply you with it.

Mr. Powell. All right. We would certainly appreciate being kept apprised. First of all, I think we'd like to know your current employment picture. We would like details not only with respect to the numbers but with respect to the employment categories. We'd like to know where Indians fall within your various job levels. We then would like to know over a period of time how that picture is changing.

We would be more than glad to provide you with our views with respect to whether or not you are sufficiently carrying out your duties vis-a-vis Title VII.

Mr. Hunter, would you care to answer that question? Given the fact that you have a facility directly on a reservation, do you feel any sense of community obligation to provide employment opportunities to Indian people?

MR. HUNTER. Well, we certainly do. We have an agreement with the Papago tribe which we have more than lived up to.

MR. POWELL. As I understand it, you have 500 employees on that facility, do you not?

MR. HUNTER. That's correct.

MR. POWELL. Yet you only have 50 Indian employees. Is that correct?

MR. HUNTER. That's correct. We have had many more than that, however.

MR. POWELL. You now only have 50 employees?

MR. HUNTER. That's correct.

MR. POWELL. Would you care to elaborate as to how you feel that 50 employees on the reservation where you are supposed to have a preference provision carries out your obligations to provide equal employment opportunity to Indians?

MR. HUNTER. Our contract—we have more than—I think we have more than 50 employees right now at the moment, but—

MR. POWELL. Well,—

MR. HUNTER. Our contract calls for—

MR. POWELL. You're the manager of that operation, and I think that you or your personnel manager ought to know. We shouldn't have to guess here. What is your employment pattern?

MR. HUNTER. Our employment pattern for the Papagos at the moment is 51 as of, I think, yesterday.

MR. POWELL. Fifty-one? I see. Fifty-one.

MR. HUNTER. These people—

MR. POWELL. Do you think that the difference between 50 and 51 is so appreciable that you now are carrying out your obligation? You have how many employees at that facility?

MR. HUNTER. No, sir. I would like to say, though, that we have had many more employees than that, and they have gone because of absenteeism reasons and so forth and quit on their own.

MR. POWELL. You have how many employees employed at that facility, Mr. Hunter?

MR. HUNTER. I think there are 500 and about 50.

MR. POWELL. Do you have any program designed to orient Indians to the requirements of your employees? Is there a program designed for employees in general? Or is there a program designed specifically for Indians?

MR. HUNTER. I'll let Mr. Glover answer that. He's the person in charge of personnel.

MR. GLOVER. Our program applies to all regardless of race. And to give you maybe a bird's-eye view of the picture at the

Lake Shore project, I might say that what we do is, these non-experienced miners that are coming down the road, we feel it's best that they come to the facility and see what our operation looks like and the working conditions, especially underground.

We give these people a tour, and they see whether or not they would like to work underground. Some people don't care to. And then if they are employable, they desire to go further, then we take it from there.

MR. POWELL. When you say "employable," what do you mean?

MR. GLOVER. They meet the requirements, the pre-employment requirements.

MR. POWELL. Well, now, what are these pre-employment requirements? You know, as Madam Chairman has said, the qualifications are used to exclude minority people. You're not involved in that game, are you?

MR. GLOVER. Excluding minority people?

MR. POWELL. Yes.

MR. GLOVER. No, sir. This means—

MR. POWELL. Now, you have said—and I thought we had clarified that point—you said that your program is the same for all. Given the fact that Indians are underutilized, given the fact that you don't have a problem because you have a preference clause which permits you to discriminate in favor of Indians if you want to put it that way, you can't just rely on a program the same for all. Don't you feel that under the law you are required to have a program which orients Indians, that you are required to have a program that sees to it that to the extent that there are cultural differences that Indians are given the training which will enable them to comply with the requirements that you have for all employees? Isn't that correct?

MR. GLOVER. Let me go ahead on your first question that you asked to let you know what we are doing, because there's more to it.

Once these people are employed, then they go into a mine training program, and this is where the bulk of the people come in to work underground. So they are all given a mine training program that may take from 1 to 4 weeks depending upon the individual's capabilities.

And the Indians are employed along with the rest of the group or any other race in the mine training program so that these people can go out into the production area and produce.

This takes anywhere from 1 to 4 weeks for training.

MR. POWELL. Do you employ Indians for anything other than going underground?

MR. GLOVER. Yes, sir. Let me go a little further now. Okay? Out of the total of 51 that we have currently employed, we have

14 what we would consider in the laboring class. We have 14 in the skilled area. This is your crafts, and so forth.

MR. POWELL. What would that be? Skilled area? What kind of—

MR. GLOVER. You're talking crafts in the miner classification. That would be the skilled area. We have one in the warehouse area, two in the surveying crew as aides—and we have one female typist. Now, the rest of the people fall in between in the semi-skilled area out of the 51.

MR. POWELL. What attempt, if any, has been made to sensitize supervisory persons to the special characteristics and problems of Indians? Do you have such a program?

MR. GLOVER. Not formalized program, no, but I think that in communicating with our supervisors when you get into the discipline area and what not, this comes out in working with—

MR. POWELL. Have you ever had occasion to discipline a supervisor for discriminating against an Indian?

MR. GLOVER. No.

MR. POWELL. Well, do you require that the various people who have units take action to improve their employment picture with respect to Indian employees?

MR. GLOVER. I don't quite follow you there, sir.

MR. POWELL. Do you require—You have various units within your company, do you not?

MR. GLOVER. Areas of responsibility and processes?

MR. POWELL. Yes.

MR. GLOVER. Yes.

MR. POWELL. What, if anything, are you doing to see to it that there are more Indians employed in these various operations?

MR. GLOVER. We are working with the tribal labor coordinator to help us in finding Indians who are qualified to move into certain areas.

MR. POWELL. Well, what is it about your qualifications which results in so relatively small a percentage of Indian employees? Do you require a high school diploma for your entry level positions?

MR. GLOVER. No, sir. The problem is not one I think that you attach the word "qualified" to. I think you have to consider the number that are able to get to the mine in the first place. This presents a problem.

MR. POWELL. You have transportation facilities—you provide a shuttle service to a town. Is that correct?

MR. GLOVER. No, sir.

MR. POWELL. Earlier tesimony indicated you provided a shuttle service to Casa Grande. Is that incorrect?

MR. GLOVER. That's incorrect to the extent—we are not involved in providing a shuttle service to and from Casa Grande. That's privately owned.

Mr. Powell. And do you fund that in some way?

Mr. Glover. No way. No, sir.

Mr. Powell. How is it that there is shuttle service to Casa Grande and no shuttle service to the rest—

Mr. Glover. I can't answer that.

Mr. Powell. Don't you think you have a responsibility to look into that? You can't stand aside, can you? There's transportation facilities to Casa Grande. You're an employer there, don't you think that if you are really interested in getting Indian employees you can look into the question of providing transportation for those Indian employees?

Mr. Glover. I think that has already been looked into in coordinating our efforts with Mr. Tony Escalante.

Mr. Powell. You mean you have transportation now to—

Mr. Glover. No, but this has been looked at, and the problem is there, and we are trying to help resolve it in any way possible.

Mr. Powell. What is the problem?

Mr. Glover. The problem of transportation for these Indians.

Mr. Powell. Now, why is it that that problem hasn't been resolved?

Mr. Hunter. Let me answer that. It's 56 miles to the next town south, and I think the remoteness of that area— It's just too long a trip. We had nothing to do with forming this bus line that came down. This was a private enterprise entirely.

Mr. Powell. Fifty-six miles to the nearest place of high Indian concentration on the reservation? Is that what you're saying?

Mr. Hunter. There is a village of Santa Rosa in between, but the Sells area is 56 miles from the mine.

Mr. Powell. The village of Santa Rosa— Are there many Indians there?

Mr. Hunter. Yes, but they drive themselves. It's quite close.

Mr. Powell. How far is Casa Grande?

Mr. Hunter. Thirty miles.

Mr. Powell. Thirty miles? Don't you think that you could provide facilities to get Indians from the 56-mile area?

Mr. Hunter. Tony Escalante and the Papago tribe people have looked into that quite thoroughly themselves.

Mr. Powell. Well, perhaps maybe personnel from Hecla ought to look into it.

Mr. Hunter. We didn't look into the furnishing of it from Casa Grande.

Mr. Powell. But you don't have the same kind of obligations to the people in Casa Grande that you have to the Indians.

You have a preference clause, and you have also indicated you have an agreement with the Indian tribes.

MR. HUNTER. This shuttle bus that does come out from Casa Grande stops at the Indian reservation if anyone wants to get on.

MR. POWELL. I'm told that there are Indians in the other direction. Isn't that true?

MR. HUNTER. There's Indians in all directions from the mine.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Mr. Orr, does Phelps Dodge— Does the company—provide any company housing?

MR. ORR. Yes.

COMMISSIONER FREEMAN. How many units of housing are provided?

MR. ORR. I don't know the exact figure. It's slightly in excess of a thousand.

COMMISSIONER FREEMAN. A thousand units are provided? Could you tell us or describe for the Commission the housing that is provided the employees? Which employees reside in the housing?

MR. ORR. All employees reside in housing who desire it and who qualify for it.

COMMISSIONER FREEMAN. Here we go again.

How many of the Indian employees reside in the housing?

MR. ORR. The majority I would say.

COMMISSIONER FREEMAN. Do you know whether there is any difference in the housing units that are occupied by Indians and those that are occupied by those persons who are non-Indians?

MR. ORR. There is a difference. That is, that there is an active program to eliminate.

COMMISSIONER FREEMAN. An active program by whom to eliminate what?

MR. ORR. By Phelps Dodge to eliminate substandard housing in Ajo.

COMMISSIONER FREEMAN. Are you saying then that Phelps Dodge recognizes that its company-owned housing is substandard?

MR. ORR. Certain of it is. The majority is not.

COMMISSIONER FREEMAN. Is the company-owned housing occupied by the Indian employees substandard?

MR. ORR. That that was initially originally designated as Indian houses is substandard and is being eliminated by integrating the Indians into the other better housing.

COMMISSIONER FREEMAN. Has the company started any efforts to integrate the housing that it owns?

MR. ORR. The company is far along on such an effort.

COMMISSIONER FREEMAN. Could you indicate to us or give this Commission a report on the occupancy of all the housing, of all of the company-owned housing, and identify for us the extent to which there are any Indians remaining in substandard housing owned by Phelps Dodge? Could that information be provided to the Commission?

MR. ORR. Yes.

COMMISSIONER FREEMAN. What would you imagine would be the time within which you could give this to us, sir?

MR. ORR. Two or 3 months.

COMMISSIONER FREEMAN. Could you indicate to us why it would take so long to count 1,100— Why it would take so long to count 1,100 units?

MR. BOLAND. Madam Chairman, if you will tell us what you want and when you want it, you will have it.

COMMISSIONER FREEMAN. Thank you very much. It seems to us the company, if it is aggressively reviewing its housing to determine the extent to which it is substandard and it is aggressively engaging in a program of integration, that if it is so doing that at least the information that we would want could certainly be made available to us by January 1.

MR. BOLAND. Very good. We have been embarked on an active program since 1964.

COMMISSIONER FREEMAN. Well, I'm more disturbed, because that's 8 years, and if it has taken 8 years to integrate and improve substandard housing, then maybe we do need to put this deadline on it.

MR. BOLAND. We will make a complete report to you together with all the problems which are attendant upon the effort, Madam Chairman.

COMMISSIONER FREEMAN. Thank you very much.

I would like to ask if Hecla Mining Company, Mr. Hunter— Mr. Hunter, does your company provide any housing for its employees?

MR. HUNTER. Absolutely none.

COMMISSIONER FREEMAN. You do not?

I have no further questions.

Commissioner Ruiz?

COMMISSIONER RUIZ. What is the highest job level held by an Indian at the Phelps Dodge?

MR. ORR. Maybe Mr. Breen can answer that better than I.

MR. BREEN. I do not have the figures here with me right now, Mr. Commissioner, but it is at the skill level, at the skilled journeyman level, such as electrician, machinist, or something of that nature.

COMMISSIONER RUIZ. How about a foreman? Do you have one foreman that is an Indian?

MR. BREEN. Well, I am calling this to you, sir, off of my head. I did not— I was not prepared to answer these questions because

I didn't know they were going to come to me. If I had known I would have told you every job that every Indian that we have has.

COMMISSIONER RUIZ. No, I was just—

MR. POWELL. Weren't we in touch with you regarding the fact that we wanted you to come and what we wanted to talk about? I think we were, in writing. We wrote you a letter, did we not?

MR. BREEN. You did not go into detail.

MR. POWELL. We gave you the general area.

MR. BREEN. Right.

MR. POWELL. Given the problems of employment that you have, I think that you really were substantially on notice.

COMMISSIONER RUIZ. What is the highest job level held by an Indian at the Hecla Mining Company?

MR. GLOVER. Head welder.

COMMISSIONER RUIZ. A what?

MR. GLOVER. A head welder, which is in the craft area.

COMMISSIONER RUIZ. Do you have any foreman that is an Indian?

MR. GLOVER. Not at the present time, no. This man is a lead man which is the next step to a foreman level.

COMMISSIONER. RUIZ. You don't have in all of your employees an Indian that has as high a job as a foreman?

MR. GLOVER. No.

COMMISSIONER RUIZ. Are you aware of the fact that the Anaconda Copper Company on the Laguma reservation in New Mexico has practically 100 percent Indian labor force?

MR. GLOVER. No, sir.

COMMISSIONER RUIZ. Do you think it might be a good idea to find out what their affirmative action plan might be?

MR. GLOVER. Yes.

COMMISSIONER RUIZ. I would urge you to do so. It may come up with some solutions.

No more questions.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Mr. Breen, have there ever been, to your knowledge, more than 51 Indian employees of Phelps Dodge at any one time?

MR. BREEN. Yes, sir.

MR. BUGGS. How many more?

MR. BREEN. Well, sir, the 51 I think applied to Hecla. We have 94 employees as of September 30th.

MR. BUGGS. Any more than 94?

MR. BREEN. Yes, sir, there have been.

MR. BUGGS. Do you know what the top number at any one time has ever been?

Mr. Breen. No, sir, I do not, but I know it has been higher than our present figure.

Mr. Buggs. Mr. Breen, do you know most of— The foreman are pretty important people in a company like that, are they not?

Mr. Breen. I would say that, yes, sir.

Mr. Buggs. Do you know most of them?

Mr. Breen. Yes.

Mr. Buggs. Do you know any Indian who is one?

Mr. Breen. Not at the present time I do not.

Mr. Buggs. So they would not be important foremen?

Mr. Breen. Well, they are at some of the lower foremen's levels but there's none up in the top supervisory group.

Mr. Buggs. So they would not be important foremen?

Mr. Breen. Well, I'm not saying that they are not important, sir. I mean listing them as we list them with EEO-1 reports, there's none in the top supervisory group that is listed.

Mr. Buggs. Mr. Hunter, how long has the Hecla Mining Company been on the Papago reservation?

Mr. Hunter. Two years and 9 months.

Mr. Buggs. How did you get there? Did you execute some kind of contract with the tribe and/or BIA?

Mr. Hunter. Yes, sir.

Mr. Buggs. What does the tribe get out of the copper that you are taking off its reservation?

Mr. Hunter. Well, they get a royalty from the copper. We have not mined any copper. We are strictly in the development stage at this time.

Mr. Buggs. But they will get a royalty?

Mr. Hunter. Yes, sir.

Mr. Buggs. How much of a royalty?

Mr. Hunter. I don't think that is my place. I really don't know. That's not my department at all.

Mr. Sievwright. Is that pertinent to the Commission?

Mr. Powell. If you have that information, I think you're obliged to—

Mr. Sievwright. It's a matter of public record. I think you can probably get it from the Indians or we can furnish it if you request us.

Mr. Powell. Do you have that information now?

Mr. Sievwright. We do not have it at the present time.

Mr. Powell. You have no idea what the answer to that request is?

Mr. Sievwright. I have no idea as to the answer to that question.

Mr. Powell. But you will provide information to us?

Mr. Sievwright. If it is pertinent and the Commission requests it, we will try to cooperate with you to give you whatever information you specifically request.

Mr. Powell. I tell you now I think it is pertinent.

Mr. Sievwright. If you will give us a request for that—

Mr. Powell. We have given you the request.

Mr. Sievwright. Specifically, what is your request, sir?

Mr. Powell. Mr. Buggs asked, "What is the royalty that the tribe gets for the copper that you will be taking out of the mine?"

Mr. Buggs. The other question: Who were the primary individuals with whom you dealt in connection with the lease? Was it BIA officials or the leadership of the Papago tribe? Do you know?

Mr. Hunter. I can't answer that. I don't know.

Mr. Buggs. Mr. Powell, I think that's pertinent information too.

Mr. Powell. Perhaps your counsel can provide us with that information.

You are counsel to this company?

Mr. Sievwright. I am counsel for Hecla. Your question is what individuals, what personalities, were involved? Or what agencies?

Mr. Buggs. Who made the decision in the final analysis that the company would be granted an opportunity to mine on the reservation?

Mr. Sievwright. On the part of the Government or Hecla?

Mr. Buggs. On the part of the Government.

Mr. Sievwright. I can't answer that question. I do not know.

Mr. Powell. In order for these kind of arrangements to be finalized, is it not true that the Bureau of Indian Affairs has to sign off on it? Is that correct?

Mr. Sievwright. Well, on this agreement on the employment practices agreement—

Mr. Powell. Is it the employment practices that you are asking about, Mr. Buggs?

Mr. Buggs. No, no. I'm—

Mr. Sievwright. This is an addendum, an exhibit to the contract, and just to answer your question a little bit, the superintendent of the Papago Indian Agency signed it, recommended for approval. The Director of Mines of Papago Council. General Counsel, Papago Council. And the Area Director, Phoenix Area Office, BIA.

Mr. Powell. So, in order for that agreement to be finalized, a number of officials, two of whom were Bureau of Indian Affairs employees, had to sign it? Is that correct?

Mr. Sievwright. Those people who I named signed it.

Mr. Buggs. Fine, I wonder if you would also provide for us, Mr. Hunter, the kind of information that was also asked of Phelps Dodge with respect to employment statistics as of now and a copy of whatever affirmative action plan you are preparing?

Mr. Sievwright. The answer is similar to what Phelps Dodge did. If you request certain information, we will be more than happy to cooperate along that line, sir.

Mr. Buggs. All right. We would like to get as soon as you can provide it for us a copy of the statistics on your employment of persons by race together with any affirmative action plan that you may have executed at the request of any agency of the Federal Government.

Mr. Sievwright. We will give you that information.

Mr. Powell. That is by race and job category.

Mr. Sievwright. Similar to EEO-1 form, sir?

Mr. Buggs. That's right.

Mr. Powell. If that is helpful.

Mr. Sievwright. Right. We can do that.

Commissioner Freeman. Thank you, gentlemen. You may be excused.

The next witness we are calling is Mr. Ronald Lupe.

Will you remain standing?

(Whereupon, Mr. Ronald Lupe was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. RONALD LUPE, DIRECTOR OF PLANNING, WHITE MOUNTAIN APACHE TRIBE

Commissioner Freeman. You may be seated. Thank you.

Mr. Michael Smith.

Mr. Smith. Mr. Lupe, would you please state your name and occupation for the record?

Mr. Lupe. My name is Ronald Lupe. I am White Mountain Apache employed by the White Mountain Apache Tribe as Director of Planning.

Mr. Smith. Thank you. What in your opinion is the relationship currently between the BIA and the tribal council in terms of responsibility for decision-making in tribal issues at White Mountain?

Mr. Lupe. You are asking me a question that is very broad and very specific. Perhaps maybe a tribal council member can give you a better answer to that.

But as an individual having worked as a tribal chairman for the tribe, member of the tribal council, I can give you my own personal experience.

In terms of decision-making, the tribal council makes the decision with a stamp put on that decision by the Bureau of Indian

Affairs. Then you go into the direction of whatever decision might have been made in terms of following that decision.

The Bureau of Indian Affairs has always—and I don't know when it's going to stop—has run up against so much red tape directed by the area office from the Washington level, not following up on some of the important decisions affecting the local tribe, the White Mountain Apache; there are many bogdowns in this decision-making in terms of the education improvement, economic improvement, improvement in housing programs, improvement in the roads department. You name it and there's a tremendous bogdown.

One of the excuses that I might reflect on is personnel and then in terms of budgeting: Not enough money, not enough personnel.

MR. SMITH. But this bogging down is in your view an impediment to the smooth operations of the tribal government?

MR. LUPE. I would think so, yes, because under the trust relationship with the United States Government there is a clear understanding that the recognized tribe has the right to determine its own destiny, and they have that right under the United States Government.

But somehow there seem to be injustices, numerous misunderstandings, numerous bogdowns elsewhere down the line to, well, curtail some of our direction that we want to go.

MR. SMITH. Let me turn to another topic. How would you comment on the employment practices regarding Indians of off-reservation private employers in the White Mountain area?

MR. LUPE. Perhaps maybe I can give you a two-point answer here. One is a border town, and one located on the reservation.

The local towns there we call Pinetop, Lakeside, and Show Low. As far as the Government operation, between the chambers of commerce, there is an understanding. There is an area of negotiation, has always been. But in terms of meeting the individual need, employment, there has always been that qualification waved in our face: "You have to live here. You have to be, etc., etc., etc."

One of the stumbling blocks here is, of course, that we are Indians, and we are being told so many things since our country was confiscated, so to speak, if you will. We are all bilingual at White Mountain; 99.9 percent of us are bilingual. We have our own religion, our own culture. We appreciate people, and the White Mountain Apache tribe has made a tremendous effort in economic improvement by their own hand, at their own expense. And the local towns, the bordering towns, are increasing their lot because of our existence in that area in terms of money.

But we are still being discriminated against jobwise. I'll give you one example.

When I was chairman of the tribe I was promised by an individual running for an office, the county sheriff, "If you vote for me I will employ an Apache in Pinetop," which is a border town.

Well, we elected him and reelected again. I have yet to see an Apache employed as a county sheriff or a deputy.

These are some of the things that we are up against.

In the local on-the-reservation employment a real good experience that I have had is with a company located in McNary which is on my reservation. It was leased to a mill, sawmill, company some 50 years ago. I have not seen in my lifetime, which is 42 years of age now and going some more I hope, a foreman, an Apache made a foreman. Promotion seems to be in the way all the time. At the heaviest peak of employment I would say there has been at one time over 500 employed, but no more than—at that time no more than 60 employed of—

MR. SMITH. What company are you referring to?

MR. LUPE. The Southwest Forest Industries.

MR. SMITH. Thank you.

MR. LUPE. Presently, I would say there are about 200 people employed by the Southwest and no more than 20 Apaches are working there presently, so there is a definite misunderstanding in the employment situation between the private investor on the reservation and the local landowner and the people who reside on that reservation.

As the chairman of the tribe I have attempted to remedy the situation at that time. Due to lack of promotion, due to lack of— on the part of the company to hire Apaches, due to— Well, there's the preference clause. You have heard about the preference clause a while ago. But for some reason it's been continuously overlooked.

What we have done to remedy this is to deny a continuous contract of raw material with the Southwest. They have threatened to move out. To this day we have not provided them with timber, and they are still threatening to move out.

One of the experiences that I have had with the lease company and the tribe, I would urge all members of Indians, recognized Indian tribes, to be very careful of going into a lease agreement with a private investor. If there is such a negotiation introduced in an industry on a reservation purely for economic reasons make sure that you have 60 percent control or at least that you have the majority of the vote control, a joint session if that is to be, or otherwise own the whole industry. That is the best method that we have found to cure some of our problems.

MR. SMITH. Let me ask you about one other topic. Would you comment on some of the problems that you see in the area of education for Indian children both in BIA schools and public schools on your reservation?

Mr. Lupe. That again is very involved. I would have to sit down with you for at least a couple weeks to give you a clear picture of some of the problems we are facing in Indian education.

Some of the problems that I see immediately are lack of cultural program, traditions, beliefs, the sacredness that we as Indian people hold. These are not recognized by the teachers. There, again, is lack of understanding.

You will find that a young student rejects a total foreign environment due to the fact that his makeup is Indian. His beliefs and his behavior, his attitude, his pattern of living is totally different from what we see in education inside a classroom.

For instance, you find me sitting here. I am using a language that is used by an establishment, for instance. Up until 12 years of age in my personal life I didn't understand this language that I was, that I am using, presently. It was totally foreign to me.

So this is a tremendous handicap to the Indian people, and I hope that the teachers, whoever they are, whoever have the institutions of educating our people, understand this, and that they recognize that we are totally different people.

In an attempt to control the schools, we have had numerous hearings, subcommittee hearings from Washington; education seminars, commissions of all types. We have had this type of undertaking similar to what we are having here, experiencing here. Sometimes you wonder what has happened to all of these. You have made good suggestions. You have presented your feelings wholeheartedly, in trust, in total respect to the people who make up commissions and want to hear the Indian side, the point of view. There seems to be no time limit established to when are we going to upgrade, when are we going to realize what we have talked about.

Mr. Smith. So you have seen no results from the Indian Education Subcommittee hearings that were held during the past few years?

Mr. Lupe. The result is you read through the news media what is happening in Washington, D.C.; that there is a cutback of education directly affecting the Indian people which affects this particular institution here, the Indian school. And it affects all the Indian schools in the entire United States.

And we have hollered for more. Look at this auditorium that you're sitting in. Look at how many Indians come here. This auditorium is too small. It is so, well, antique, so to speak; if you look at the gymnasium right here at the Indian School—

There's a gradual elimination of these inadequacies, misunderstandings, but it takes so long. It takes sometimes—you wonder when it's going to stop.

Mr. Smith. Thank you. I have no further questions.

Commissioner Freeman. Thank you, Mr. Lupe. You may be excused.

We now call Mr. Richard David.

(Whereupon, Mr. Richard David was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. RICHARD DAVID, EMPLOYMENT ASSISTANCE OFFICER, BUREAU OF INDIAN AFFAIRS, SAN CARLOS APACHE RESERVATION

Commissioner Freeman. You may be seated.

Mr. Powell.

Mr. Powell. Will you please state your name, address, and occupation for the record?

Mr. David. Richard David. I live at San Carlos, Arizona. I am employed by the Bureau of Indian Affairs as employment assistance officer in that agency.

Mr. Powell. I understand that you have been employed in this capacity for 8 years, and 2½ of those years have been at San Carlos. Is that correct?

Mr. David. That's correct.

Mr. Powell. What is the unemployment rate at San Carlos?

Mr. David. It varies. It varies all the way from 55 percent down to 25 percent. We have an immense number of impact projects on the reservation, federally-funded programs, which tend to be short-term. We also have interim or temporary employment. Many of the men are engaged in cattle roundup operations which are very temporary, very seasonal.

So at one point you could have a low unemployment rate of 25 percent. You could have a very high one of 55 percent. I'm talking now about eligibles. We have a very large population of chronically-unemployed we don't even consider eligible for employment.

Mr. Powell. I see. Well, what employment opportunities exist in your area for members of the tribe?

Mr. David. They have been testified to several times. Usually public health, Bureau of Indian Affairs, community action program, the tribe, the public school, and finally the cattle operation. Those are the major employers.

Mr. Powell. What has been your experience in attempting to place Indian employees with local private employers?

Mr. David. Frustrating. We have in Globe, or Globe-Miami area, a distance of about 30 miles from the reservation, a copper industry. One firm in particular, the Inspiration Consolidated Copper Company, is really the biggest operation there, and that's the one with whom we have had the most frequent negotiations.

Mr. Powell. Let me ask you how large is San Carlos and how many Indians are on that reservation.

Mr. David. Approximately 6,000 Indians on just about 2 million acres.

Mr. Powell. Have you any idea of what the current employment level of Indians at Inspiration mines is?

Mr. David. Yes. I understand there are approximately 2,000 employees of that company, and our best estimate is we have less than a hundred, and I believe it will range between 75 and 85 in an actual head count, Indians employed at Inspiration.

Mr. Powell. I don't know if I had given you a chance to finish the answer to that question about problems with attitudes of employers. What are some of the excuses people at Inspiration mines and other places give you?

Mr. David. You have heard it before. It's the high rate of absenteeism, people who are undependable, basically. We have unaggressive personalities. They are unable to promote them into higher positions. They lack education. They are mute when they should be speaking up. They have transportation difficulties. They are— The usual range of excuses are offered.

Mr. Powell. Has there been a question regarding hiring enough Indians to justify transportation and has that been frustrated or encouraged?

Mr. David. Last fall, after the strike, the company began to hire in fairly large numbers, and at that point the Bureau of Indian Affairs offered a possible solution. It was our proposal that we would operate a bus service, that we did have a bus at our disposal, and we could possibly meet their three schedules.

We experimented with this. Regrettably, the company— We had to use in this experiment those fellows who were already employed there. We asked them to ride the bus. They were already using their own transportation. We wanted them to ride the bus so that we could experiment with meeting their schedules over there.

Hiring ceased after that in any large numbers, and we were unable to bring new people onto the payroll, and these people were the ones we would have targeted for the bus service.

So, ultimately, we wound up with a backlog of applications, 85 or 90.

Mr. Powell. Why did hiring cease?

Mr. David. I can't answer that question. I don't know.

Mr. Powell. There was transportation provided on an experimental basis and then hiring ceased?

Mr. David. In the numbers that would have justified continuing operating the bus.

Mr. Powell. Does the lack of Indian union membership pose a barrier to Indian employment?

Mr. David. Yes.

Mr. Powell. Would you care to elaborate?

Mr. David. Our most frequent experience is that a man is asked if he holds a card in his trade or craft, if he has paid his dues. And if he does not, he doesn't get the job. There are some contractors who do go out of their way to assist the men in paying their union fees, but this is rare.

Mr. Powell. Must you be a member of a union to work on some operations? I thought there was a right-to-work law in Arizona.

Mr. David. There is.

Mr. Powell. They wink at it, apparently, from what I gather, but why is it that an Indian has to be a member of a union to work in some of these operations if there is a right-to-work law? Do you know the answer to that? You might not.

Mr. David. I can only speak personally. There is a lack of muscle to enforce it on a reservation. The Bureau is, as we have testified before, fairly mute in this area.

Mr. Powell. In your experience, when qualified tribal members are hired by local companies, are they hired at positions for which they are qualified?

Mr. David. No. In the case of— Let's go back to Inspiration: We have numerous referrals to Inspiration Copper of gentlemen who have been trained under our vocational training program in skills all the way from electronics technology down to welding. To my knowledge, with the possible exception of some recent hires at Inspiration, these people have been hired as laborers with the promise of possible promotion at some time.

Mr. Powell. Mr. David, how closely do you work with the assistant employment assistance officer at San Carlos Agency who is a member of the San Carlos Apache tribe? Do you consult him on matters requiring intimate knowledge of tribal matters?

Mr. David. Yes, he works in my office.

Mr. Powell. Do you feel that your program would be more effective if you had an Indian working for the BIA doing this sort of thing?

Mr. David. In the particular activity I'm in?

Mr. Powell. Yes.

Mr. David. Oh, yes. Yes. I would like to comment that there are two Indians in my staff.

Mr. Powell. There are? I see.

How effective, in your estimation, is the State Employment Service in servicing the needs of reservation residents?

Mr. David. I can't speak specifically for the representative of the State Employment Service at San Carlos because I know that he gets numerous calls, generally for laborers. But my personal experience with the State Employment Service in assisting people and getting into their bulletinized jobs has been almost zero accomplishment.

In the last year I have helped what I considered to be—and I use the word dangerously, I suppose—qualified Indians apply for jobs that were bulletinized through the State Employment Service. Frequently they don't even receive a reply.

And this holds true even for those jobs that are designated Emergency Employment Act and Public Service Careers jobs.

MR. POWELL. Other witnesses have testified that the Indian preference clause in BIA construction contracts is ineffective. Would you agree? And would you want to comment?

MR. DAVID. Yes, but I believe another panel member would have more specific details. I really can't comment.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Mr. David, you may not be the employee of the Bureau of Indian Affairs who could best answer this question, but because you in response to Mr. Powell's question referred to the lack of muscle, I would ask you please to speculate in this regard.

And that is if the Indians, if the tribal council, or if the nation, any particular nation, had sole control over the resources on the land which it owned, thereby having the right to exclude absolutely without regard to any opinion of any Federal official a company from mining or lumbering on its reservation, would, in your opinion, this be a solution to the problems which you have described?

MR. DAVID. I don't feel completely adequate to answer the question, but in some cases it might work well, but I'm afraid the response from my industrial development colleagues would say that such a clause would frighten people away, would frighten away reservation development, which is a very active division within the Bureau of Indian Affairs and within the tribal groups. Such strength may, in fact, frighten free enterprise out.

COMMISSIONER FREEMAN. The point that I'm making is that if the Indians themselves are not going to benefit from the development, they may find themselves of the opinion that they couldn't care less whether the people are frightened away.

Thank you very much. You're excused.

MR. DAVID. Thank you.

COMMISSIONER FREEMAN. Our final witnesses before lunch—and I will call them now—are Mr. Glen Jones, Mr. Bruce Porter, Mr. Henry Allen, and Mr. D. A. Reed.

Will you come forward with your counsel?

MR. CROCKETT. My name is C. Webb Crockett. I am an attorney in Phoenix, Arizona. I am representing Glen Jones, Bruce Porter, and their employer, Southwest Forest Industries.

COMMISSIONER FREEMAN. Will the individuals who will be giving testimony remain standing?

(Whereupon, Messrs. Glen Jones, Bruce Porter, Henry Allen, and D. A. Reed were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. GLEN JONES, DIVISION MANAGER, FOUR CORNERS DIVISION, SOUTHWEST FOREST INDUSTRIES, McNARY, ARIZONA; MR. BRUCE PORTER, PERSONNEL DIRECTOR, SOUTHWEST FOREST INDUSTRIES, McNARY, ARIZONA; MR. HENRY ALLEN, GENERAL SUPERINTENDENT OF OPERATIONS, INSPIRATION CONSOLIDATED COPPER COMPANY, INSPIRATION, ARIZONA; AND MR. D. A. REED, PERSONNEL MANAGER, INSPIRATION CONSOLIDATED COPPER COMPANY, INSPIRATION, ARIZONA

MR. LADENDORFF. My name is G. H. Ladendorff. I am an attorney-at-law, 716 Arizona Bank Building, Phoenix, Arizona, and I am representing Mr. Allen and Mr. Reed and Inspiration Consolidated Copper Company.

MR. POWELL. Would each of you, beginning with the first witness on my left, please state your name and occupation for the record?

MR. ALLEN. My name is Henry Allen. I am general superintendent of operations, Inspiration Consolidated Copper Company.

MR. REED. Dorman Reed, assistant director of industrial relations, Inspiration Consolidated Copper Company.

MR. JONES. My name is Glen Jones, four corners division manager for Southwest Forest Industries.

MR. PORTER. Bruce Porter, director of personnel for Southwest Forest Industries at our wood products operation location in McNary, Arizona.

MR. POWELL. Mr. Jones, would you please briefly describe for us the nature of your plant and the kind of job opportunities it offers?

MR. JONES. Could you repeat, sir? I've got an echo back here.

MR. POWELL. Would you please briefly describe for us the kind of plant you have and the kind of job opportunities it offers?

MR. JONES. Yes, sir. Our plant at McNary is the full lumbering-manufacturing plant which includes sawmill, planer mills, molding factories.

The job opportunities that we have are— leaning very much toward the Indian people. We do have some qualifications, but let me clarify this now after listening to—Our qualification basically is, if an Indian or people are willing and able to work, and this includes passing a physical, this is all our qualifications amount to.

MR. POWELL. Well, we have heard complaints that Indians who are hired by your company work exclusively in labor positions and are not employed in or promoted to managerial or supervisory positions. Would you please tell us how many Indians are employed at the various job levels in your plant?

Would you care to comment generally though about that testimony that you only have Indians at the lower level positions?

Mr. Jones. No, I think my personnel director can answer that probably better than I can.

Mr. Powell. Fine.

Mr. Porter. Thank you, Mr. Powell.

The amount of Indians that we have employed at Southwest, numberwise—and I might also add—

Mr. Powell. You might, so that we have it in context, give us the total number of employees you have generally in each job category and what percentage Indians constitute of that total number so we can begin to have—

Mr. Porter. Okay. Now, in detailed breakdowns I do not have percentages but I have numbers. This is also including our general store, which is a company-operated store in the town site of McNary—these figures.

Mr. Powell. Same facility?

Mr. Porter. Under the same facility. Correct. But not the mill alone. We have a total of 281 employees. Of this the American Indian is 62, which is approximately 23 percent.

Now, the breakdown of employees. We can, for instance, start in the—this is the McNary production departments—the mill operation itself.

Semi-skilled, we come into American Indians—We have two swampers out of a total of five swampers.

We have lift drivers in the molding department. We have only one lift driver in the molding department, and that gentleman is an Indian.

In the planer department we have two feeders for the planer, one of whom is an Indian.

Trimmermen in the planer department, we have three, one of which is an Indian.

Molding department. Now, again these are semi-skilled jobs. Molding department we have a total of nine men employed as trimmermen, five of whom are Indian.

In the sawmill department we have a total of two tourmen, one of whom is an Indian.

Coming down—

Mr. Powell. Well, it might be helpful—We'll get that information in the record. You are now talking about semi-skilled, and you broke it down to job qualifications. Semi-skilled, I take, ranges from what to what in terms of pay scale?

Mr. Porter. In pay scale semi-skilled would probably come in at approximately $2.93, $2.95 an hour, ranging up to approximately $3.20 roughly to $3.50.

Mr. Powell. In the semi-skilled field, general broad job classification, which meets that pay range, which is covered by that pay scale you just indicated, are how many total employees that you have in the semi-skilled broad job classification?

Mr. Porter. We have a total of 132 semi-skilled, 41 of whom are American Indian.

Mr. Powell. 132, 41 of whom are American Indian. Now, what is the next level up?

Mr. Porter. Up is craftsmen or skilled, 47, of whom 3 are American Indian.

Mr. Powell. Forty-seven. Now, that pay range is what?

Mr. Porter. That would approximate say $3.50 to $3.70, on up to $5.25 an hour, which is the top pay scale for an hourly employee.

Mr. Powell. All right. What is the next pay level above that?

Mr. Porter. The next pay level would be management basically because our office and clerical people, of course, are not paid as much.

Mr. Powell. How many management employees do you have?

Mr. Porter. We have 14 officers and managers.

Mr. Powell. Of that number, how many are Indians?

Mr. Porter. Zero.

Mr. Powell. You have none?

Mr. Porter. Correct.

Mr. Powell. So that your statistics support the testimony that we have heard which is that such Indians as you have are found almost exclusively I'd say—Let me see—132—How many were Indians again?

Mr. Porter. Forty-one in the semi-skilled.

Mr. Powell. Forty-one. So of the 44 employees covered by these two job categories, only three are in your higher—

Mr. Porter. In the skilled positions. Correct.

Mr. Powell. None are in your management level?

Mr. Porter. Correct.

Mr. Powell. How do you account for the absence of Indians in supervisory and managerial positions at your plant, Mr. Jones, or Mr. Porter, either one?

You're the boss. Mr. Jones is the person who sets the policy I take it.

Go ahead.

Mr. Porter. Well, let me just say that corporate sets overall philosophy for employment practices, but we in our particular area have certain areas that we have to kind of work with because of the present cultural problems. I think it's important to note here before I get in to answer your question, Mr. Powell, that we have Anglo, Spanish American, American Indian, and Mexican—Did I say Mexican American?—the four cultures working at our plant.

To answer your question as to why we do not have management people of Indian heritage now employed, let me first say that we have a positive approach to this. I, for one, would like to see an Indian in a management position as far as supervisory capacities go, whatever the case is, in the plant. We have found that because of turnover this has deleted a number of employees we felt had potential—the turnover problem or leaving.

MR. POWELL. Do you have any orientation programs designed to meet these problems for Indians? Do you have any—

(At this point, Commissioner Ruiz was taken ill, and the hearing was recessed, at 12:25 p.m., until 2:00 p.m. this date.)

AFTERNOON SESSION

2:18 p.m.

COMMISSIONER FREEMAN. Will the hearing come to order?

Ladies and gentlemen, I am now proceeding with the closing statement of this hearing.

We close this hearing at this time because of a grave and unfortunate circumstance, the incident involving my colleague, Commissioner Manuel Ruiz. We do not know at this time the full impact of his physical well being arising out of the attack he suffered on this platform earlier today.

We understand that he is resting now but that it will be some time before a complete diagnosis can be made.

It seems to us appropriate that we empathize with Commissioner Ruiz and that, because a substantial portion of the record has been completed, we can now close it.

We came to Phoenix to learn about the problems from those who have first-hand knowledge. We have learned a great deal. We commend all those who have provided us with their special knowledge and special expertise.

For the last 2 days, this Commission has heard testimony about civil rights problems of Indians in employment, in health care, in education, and in the administration of justice. We understand that almost 60,000 Indian citizens live in the State of Arizona, one of the largest Indian populations in the entire United States. Their problems are legion, as we have been told many times and in many ways by the witnesses who have participated in this hearing. Some problems are unique to this area.

And we commend the efforts and the persistence of those who work toward a solution of the problems.

We are deeply impressed with the description of the many ways that Indian families work with and for each other against formidable odds.

We have heard how Indian people are stymied in their efforts to move upward in their jobs by a system that promotes some and passes over others.

We have heard about inadequate education for Indian youth so they drop out of school bitter and disillusioned.

We have heard how rules and regulations in a tangle of different jurisdictions frustrate efforts to provide desperately needed services.

We have heard serious charges of neglect in health care.

We have also heard serious allegations about the administration of justice which call for investigation.

We are struck by the contrast in this beautiful city where there is so much wealth and affluence while so many people suffer deprivation of the most basic needs.

We have also been impressed with the dignity and courtesy with which our many witnesses have described these serious problems.

Arizona is not alone in these problems. They are duplicated in other States having large Indian populations.

Our 2 days of placing this area under a microscope was not an attempt to embarrass any individual or institution or the State of Arizona but was an effort to begin the search for solutions that may be applicable to this and other areas facing similar problems. We believe a beginning has been made.

We came not to find fault but to find facts on which we can base recommendations for action. Not only must these problems be recognized but the appropriate offices must take affirmative action to rectify them.

This Commission will formulate specific recommendations for achieving solutions to these problems.

Now that this hearing has concluded, we hope that the attention will not disappear. It has been our experience in many areas of the Nation that Commission hearings have had an impact and have led to the solution of many problems. We sincerely hope that this hearing will have the same effect on Phoenix, and Arizona as a whole.

As this hearing closes, I wish to again point out that witnesses at Commission hearings are protected by the provisions of Title 18, United States Code, section 1505, which makes it a crime to threaten, intimidate or injure witnesses on account of their attendance at government proceedings.

Before we make the final statement of adjournment, I would like to call upon the general counsel for the procedural arrangements that must be made for the collecting of the information that would have been obtained from the witnesses now under subpena.

Mr. Powell.

Mr. Powell. There are at least two classes of people from whom we would have heard. One class is those people who have been subpenaed. With respect to those people, Commission's staff will be in touch with them either in writing or in person to obtain the information to which they would have testified.

We expect and trust that we will get full cooperation from each of those witnesses from the point of view of completing our record.

There are also people who were not scheduled but who were going to be given an opportunity to testify. Those people should either present to us now their written statements or else send those statements to the United States Commission on Civil Rights, Office of General Counsel, 1121 Vermont Avenue, Washington, D.C. 20425.

The statements can be either mailed or presented to us now.

Thank you very much.

From the Floor. We just want to talk now, not mail anything.

Mr. Powell. Unfortunately, due to the condition of Commissioner Ruiz, we are not going to continue that aspect of these proceedings.

Commissioner Freeman. Ladies and gentlemen, this hearing of the United States Commission on Civil Rights is adjourned.

Thank you very much.

(Whereupon, at 2:27 p.m., the hearing was adjourned.)

ADDITIONAL TESTIMONY

Due to the illness of one of the Commissioners, the public testimony at the Phoenix hearing was prematurely halted. Certain witnesses who had been subpenaed and were scheduled to testify were, therefore, not heard in public session. Their testimony was secured subsequently in one of two ways: They were asked to either acknowledge a statement of testimony prepared by Commission staff on the basis of previous interviews; or to respond to questions which would have been put to them orally had they testified. The prepared statements and answers to questions follow.

Summary of Statement in Lieu of Testimony of Mr. Frank Peres, Chief Road Engineer, Bureau of Indian Affairs, San Carlos Apache Reservation

I have been employed by the Bureau of Indian Affairs for 18 years, 12 of which have been on the San Carlos Apache Reservation. As Chief Road Engineer I am responsible for road construction on the reservation. Virtually all road construction by the BIA on the San Carlos Reservation is done under contract by private operators.

The record of private road construction contractors regarding the hiring of Indians on construction jobs has been poor. Few Indians are hired at any level. Promotion of Indian employees is infrequent. In discussing this situation with private employers their response has been that few Indians are hired because few are qualified and few are union members. There are qualified Indians living on the reservation who are denied employment opportunities in construction positions for which they are qualified. Employers make little effort to locate such individuals. It is true that few Indians belong to unions. This is because it is difficult for Indians, who normally only obtain part time work, to pay the high union membership fees.

BIA construction contracts require that preference be given to "local residents." This is interpreted to mean local Indian residents. By and large such preference clauses are ineffective. Because of their vague wording it is impossible to monitor them. In 18 years with the BIA I have never known of a construction contract to be cancelled or a contractor to be ruled ineligible by the Bureau because of his hiring practices.

From time to time road construction work at San Carlos has been performed by Indian owned and operated companies under the Buy Indian Act. These companies have always performed according to Federal specified standards and have hired Indians at all job levels. In my estimation their experience has demonstrated that it is possible to obtain Indian manpower from local reservations to fill virtually all road construction jobs.

SUMMARY STATEMENT IN LIEU OF TESTIMONY OF MR. FLOYD MULL, SAN CARLOS APACHE TRIBAL COUNCIL MEMBER

I have lived on the San Carlos Apache Reservation all my life. Until recently I was the owner and operator of the Floyd Mull Construction Company, one of the few Indian owned construction companies in the State of Arizona. It was operated for about five years and employed about 20 people on construction projects under contract from the BIA. Most of these contracts were pursuant to the Buy Indian Act, legislation allowing the BIA to accord preferential contracting status to Indian owned and operated companies.

Recently I received word from the BIA Road Engineer on the reservation that due to a reinterpretation of the Act my company would no longer be entitled to preferential treatment but must be held to the same standards as other companies. One consequence of this was that the company would have to be bonded at an amount equal to the face value of the contract. The effect of this financial burden was to put us out of business. This reinterpretation will make it difficult for any Indian owned construction companies to operate in the future.

My company hired virtually all Indian employees. In contrast, white owned construction companies operating on the reservation under BIA contracts hire few if any Indians. The tribe has been concerned with this situation since it knows that there are Indian people qualified to fill many of the jobs for which they are not hired. Unfortunately there is nothing the tribe can do to force the BIA to monitor the employment practices of its contractors.

The record of the State Highway Department has also been poor in this regard. Few Indians are hired on State highway construction projects on or near the reservation. Few Indians are hired on State highway maintenance crews.

Washington, D. C. 20425

DEC 2 1972

Mr. William A. Ordway
Deputy Highway Director
Arizona Highway Department
206 South 17th Avenue
Phoenix, Arizona

Dear Mr. Ordway:

When the Commission's hearing in Phoenix, Arizona, this November was unavoidably cancelled, due to Commissioner Ruiz' illness, Chairman Freeman stated that the Commission would continue the investigation of Indian civil rights problems and complete the record of the hearing.

To carry out this mandate we are sending you questions for completion. These questions would have been posed to you at the public session had you had a chance to testify. Your answers will become part of the hearing record, to be published by the Commission.

Please answer these questions fully and make whatever additional comments relevant to the subject matter you feel are necessary. As it is essential to complete the hearing record as soon as possible, I would appreciate your returning your answers to this office no later than December 15, 1972.

Thank you for your anticipated cooperation.

Sincerely,

JOHN H. POWELL, JR.
General Counsel

(The above letter was also sent to Messrs. T. U. Madrid, A. Loring, J. Artichoker, C. Geiogamah, J. S. Dunn, J. F. Smith, C. Pattea, A. N. Brown, and H. Atkinson.)

QUESTIONS FOR MR. WILLIAM A. ORDWAY, DEPUTY DIRECTOR, ARIZONA HIGHWAY DEPARTMENT

1. What are the functions of the Arizona Highway Department with respect to building and maintaining Federal and State roads in Arizona?
2. How much Federal money and how much State money was appropriated for Arizona roads and highways during the past three fiscal years?
3. For what purposes were these Federal and State funds spent?
4. With regard to these public funds, does the Arizona Highway Department have a policy requiring that they be spent in a nondiscriminatory manner so that all citizens, including Arizona Indians, will benefit from such expenditures equally? If so, what is the nature of this policy?
5. What specific action has your Department taken to implement the recruitment and hiring of Indians?
6. What is the total number of persons employed by the Arizona Highway Department and how many of this total are Indians?
7. It is our understanding that the majority of your Indian employees are located in District 4, which is primarily the Navajo reservation. Is that correct? If so, why?
8. There are a number of Indian reservations in the Phoenix and Tucson areas such as the Salt River Reservation, the Gila River Reservation, and the Papago Reservation, to name a few. The Commission has been told that although vast untapped Indian manpower is available on these reservations very few Indians are employed by your Department in these areas. Would you please comment on this?
9. Inasmuch as on-reservation construction of Federal highways first requires the granting of rights-of-way by the tribes involved, could not the tribes condition the granting of such rights-of-way on preferential hiring for their tribal members? Has this ever been done in the State of Arizona?
10. What specific plans have either the Arizona Highway Department or the Department of Transportation developed to make certain that new contract requirements, respecting the minority employee percentages of private contractors, are, in fact, complied with?

JACK WILLIAMS
GOVERNOR

LEW DAVIS
CHAIRMAN

RUDY E. CAMPBELL
VICE CHAIRMAN

WALTER W. SURRETT
MEMBER

WALTER A. NELSON
MEMBER

LEN W. MATTICE
MEMBER

JUSTIN HERMAN
STATE HIGHWAY DIRECTOR

WM. N. PRICE
STATE HIGHWAY ENGINEER

Arizona State Highway Commission
Phoenix, Arizona

December 14, 1972

Mr. John H. Powell, Jr.
General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Dear Mr. Powell:

Thank you for your letter of December 2, 1972, requesting certain information in connection with the hearing held in Phoenix in November on Indian Civil Rights problems.

In reply to your specific questions the following information is submitted:

1. The Arizona Highway Department has the responsibility for planning, constructing and maintaining the Federal and State Highway System in Arizona. Additionally, it has responsibility for the management of the State Motor Vehicle Division and the Arizona Highways Magazine.

2. Following is a compilation of the Federal and State expenditures of the Department for the past 3 years 5 months. (Not included are the Motor Vehicle Division or the Arizona Highways Magazine.)

Fiscal Year	Federal Funds	State Funds	Total
1969-1970	62,733,891	32,593,221	95,327,112
1970-1971	57,588,507	46,540,312	104,128,819
1971-1972	65,732,330	47,784,509	113,516,839
1972-1973 (5 months)	29,057,254	8,751,302	37,808,556
Total	215,111,982	135,669,344	350,781,326

3. The funds were spent for the purposes set forth in the answer to Question No. 1, except as noted above.

4. The Department has had a long-standing policy of Equal Employment Opportunity. Attachment No. 1 is a copy of the current up-dated policy, dated September 7, 1971.

5. In an effort to increase the number of Indian employees--a number in which we are disappointed--the Department has in the past two years undertaken the following affirmative action program:

   a. Established an Equal Employment Opportunity Branch in the Personnel Division for internal employment and an Office of Equal Employment Opportunity reporting to the Assistant State Engineer for Highway Operations, which works with contractors to insure compliance with the EEO provisions of the Federal Highway Administration Act. The Department is one of three State agencies to have EEO Specialists on its staff.

   The EEO Branch in the Personnel Division is staffed with a Specialist and a part-time secretary; the Office of Equal Employment Opportunity, working with the contractors, is staffed with two Specialists and a secretary.

   Mr. Benitez, who was the original appointee to head up the EEO Branch in Personnel in May, 1970, suffered a severe stroke in October and Mr. Madrid was appointed in March, 1971, to replace him.

   Mr. Arthur Loring, who heads up the Office of Equal Employment Opportunity for contract compliance, was appointed to his position in September, 1968. His assistant was added in August, 1971.

   Under Mr. Madrid's guidance a stepped up recruitment and appointment program has been initiated. At the time he entered on duty the Department's minority representation was 436 employees representing 11% of the total. As of November 1, it was 626 employees or 15% (78 or 12.4% of all minority employees are Indians). Our goal for minority employment this fiscal year is 18%. It might be of interest to note that minorities make up 21% of the available Arizona labor force. We anticipate difficulty in achieving that goal since our recruitment requirements in part have been substantially reduced due to the withholding of highway construction funds by the Washington Office of Management and budget and the failure of Congress to pass a highway appropriation measure, both of which are forcing cutbacks in our construction program. A similar situation faces contractors.

b. In this State recruitment responsibility for State positions rests with the Arizona State Personnel Commission which works with the State Employment Service. No funds are appropriated to the Department for recruitment. However, to augment the Personnel Commission and Employment Services recruiting efforts the Department has taken the following steps:

(1) Established personal contacts with 129 minority community organizations, including 20 Indian organizations, to solicit their assistance in encouraging and assisting minority people to apply to the Personnel Commission for Highway jobs.

(2) Mailed monthly lists of Highway jobs for which there are recurring opportunities for employment to each of these organizations.

(3) Made a number of trips to Indian organizations to acquaint them with our employment opportunities, to encourage their assistance and to counsel and assist interested Indian applicants whom these organizations arrange to be interviewed. In a recent trip to Tuba City (Navajo Reservation) Mr. Madrid was able to assist seven applicants in filing for positions. Additionally, Department representatives have attended two Career Days at Tuba City on invitation from the High School.

(4) Participated with the Personnel Commission in its active on-going project to review qualification requirements for State positions to insure job relevance and eliminate artificial barriers. Mr. Madrid and others on the Personnel staff have been working with the Commission in revising the qualification requirements to eliminate educational requirements or lower experience requirements, or both. To date qualification requirements have been revised for 37 positions in the Highway Department. From the Indian employment standpoint the most important of these has been the elimination of the educational requirement and reduction of experience requirement for Highway Maintenance Man I, II and III, Equipment Operator I, II and III, Laborer and Clerical positions. This will be a continuing project.

In cooperation with the State Personnel Commission the Highway Department has recently worked out a new procedure to fill all clerical positions. This procedure is now being tested and if it meets expectations will be adopted throughout the State service. This new system reduces or eliminates irrelevant educational qualifications and examination requirements. It seeks to select applicants on the basis of actual job requirements and applicants ability and interests.

Under this system the Highway Department makes a special analysis of the clerical jobs as to the specific needs of each position. Referrals are made when the items on the special analysis sheets correspond to the items on the individual applications submitted by applicants. Thus, the process matches people to the job in terms of personal abilities, skills, attributes, and interests. It will enable the Highway Department to quickly fill clerical jobs with satisfied employees.

These steps tend to humanize and personalize the clerical selection and placement process and will hopefully enhance minority employment in this field in the Highway Department. It should be noted that self-evaluation, applicant interests and preferences plus performance testing constitutes the selection process with considerable weight given to the applicant's interest and preferences.

(5) Kept all field personnel, particularly supervisors, aware of the Department's minority goals and emphasized to them the need to solicit and assist minority applicants to file for our positions.

(6) Included in our Basic Supervisory Seminar training program a two hour presentation of the Department's minority recruitment and up-grade training program by Mr. Madrid. To date 25 Seminars have been held covering more than 500 supervisors.

(7) Prepared quarterly reports which are submitted to supervisory personnel showing the status of the program. Mr. Madrid also prepares a detailed annual report for distribution showing the breakdown by minority groups for each of our major organizational segments.

6. As of December 1, 1972, the Department had 4,040 filled positions of which 81 were Indians.

7. About one-third of our Indian employment is in District 4. This arises because of the miles of State highways on the Reservation in this District--71% of the total miles of highways on the four Reservations mentioned is in District 4. There are three Maintenance Camps on the Reservation with 30 positions, 29 of which are filled with Indians. Five vacancies have occurred since January 1, 1972, all of which were filled by Indians. By area the Navajo, Hopi and Joint-use land covers about 70% of the District. The Navajo population greatly exceeds the combined total of the other three Reservations.

8. The Department has no Maintenance Sections on any Reservations in Districts 1 and 2. It does, however, have 4 Sections within a 20 mile radius of the borders of the Salt River, Gila River and Papago Reservations which maintain highways on the Reservations. Of the 599 miles of roadway in these Sections 141 are on Indian Reservations.

   The Department has a total of 57 positions at these four locations, 6 of which are filled by Indians. During the past 2 years there have been 3 vacancies at these Sections, one of which was filled by an Indian applicant. District Engineers report that they have never been successful in recruiting Indians for their positions as they are unwilling to move off the Reservations and the commuting distances are too great to make the positions attractive. This is confirmed by the fact that, although contacts have been made with Tribal organizations and monthly vacancy lists mailed to them, we have never had an application forwarded to us.

9. Since most of the roads built on Indian Reservations is done by the Bureau of Indian Affairs and subsequently taken over by the Department for maintenance, there has been only a minimum of right-of-way action taken by the Department. No request has ever been received for a preferential hiring agreement in connection with the purchase of right-of-way. We doubt that the Department could enter into such an agreement since the legal responsibility for recruitment rests with the State Personnel Commission whose rules provide for an equal employment opportunity program for all State positions. Additionally, the administration of such an agreement would raise very difficult problems. A relatively small number of specialized highway employees (engineers, surveyors, inspectors, laboratory specialists) are required at each project. (Most of the employees on a project work for the contractor.) Indians having these skills are in extremely short

supply and, irrespective of any preferential hiring agreement, we would welcome the opportunity to consider them any time applications would be received providing they would show some willingness to move from project to project and possess minimal knowledge and/or experience.

10. The Arizona Highway Department adheres to the plans and procedures laid down by the Federal Highway Administration to insure that requirements respecting minority employment are followed. The requirements are set forth in the call for bids and included in the contracts. A pre-job conference is held with the Contractor at which these requirements are fully explained and he is given a copy of Contractors Affirmative Action Guideline with supplementary reporting forms. He is required to submit monthly reports which are reviewed and in-depth on-site audits are periodically conducted. In the event of deficiencies or failure to comply the Contractor is given a warning notice and a reasonable opportunity to take remedial action. Failure to do this results in the cancellation of the contract.

Very truly yours,

W A Ordway

W. A. Ordway
Deputy Director

Attachment

ATTACHMENT #A

Minority Employment

AHDM-V-SIX-B-1-1
1.04
September 7, 1971

CHAPTER 1
NON-DISCRIMINATION POLICY

1.01 PURPOSE

The purpose of this chapter is to set forth and re-emphasize the Arizona Highway Department's policy of non-discrimination to assure that all applicants and employees receive fair and equal treatment.

1.02 POLICY

The Department will assist and work with the Arizona State Personnel Commission in a continuing intensive program to recruit minorities and provide them, within available resources, opportunities for upgrade training and promotion. No employee shall discriminate against another employee in compensation, or in terms, conditions or privileges of employment because of race, sex, religious creed, national origin or ancestry.

1.03 AUTHORITY

This policy is based upon Rule 2.11 of the Arizona State Personnel Commission. The Department fully supports both the letter and the spirit of that ruling.

1.04 PROCEDURES

a. All employees are encouraged to assist in the Department's minority recruitment effort. Contacts should be made with minority organizations to solicit their assistance and minorities sought out and assisted in applying to the Arizona State Personnel Commission for positions.

b. All employees are expected to work together harmoniously as a team in accomplishing the Department's programs. Fairness, understanding and tolerance are basic requirements.

c. Supervisors and employees within the scope of their responsibility must:

(1) Insure that employment, promotions and transfers are made solely on the basis of merit.

(2) Gain the respect and confidence of all by insuring that work assignments, overtime, equipment, and working conditions are equitably administered consistent with work requirements and job classifications.

(3) Make extra efforts to train those employees whose culture, language or experience is different.

(4) Avoid actions, statements, comments or names which reflect unfavorably or ridicule another's race, sex or religious conviction.

(5) Demonstrate respect for those beliefs which others may hold even when one does not fully agree with them.

(6) Show patience and consideration when others take longer to understand or learn.

(7) Seek to inform themselves on the problems of the minority races and join with other enlightened citizens in working together to eliminate these problems.

1.05 DISSEMINATION

Supervisors will insure that all employees are informed of the contents of this chapter. A copy will be permanently posted on all bulletin boards.

QUESTIONS FOR MR. TRINQUILINO U. MADRID, EQUAL OPPORTUNITY REPRESENTATIVE, ARIZONA HIGHWAY DEPARTMENT

1. Please describe your duties as Equal Opportunity Representative for the Arizona Highway Department.
2. What specific actions has your Department taken to implement an affirmative policy regarding the recruitment and hiring of Indians?
3. Specifically, what have you done to recruit Indian employees on a statewide basis?
4. Have you made recent recruitment trips to Indian reservations? If so, where and when?
5. Prior to these recent trips, when was the last time you actually visited Indian reservations to inform tribal members of employment opportunities with your Department?
6. Do you have any comments regarding the reason why virtually all of your Indian employees appear to be Navajos, and why virtually none are found in Southern Arizona?

ANSWERS FROM MR. TRINQUILINO MADRID, EQUAL OPPORTUNITY REPRESENTATIVE OF THE ARIZONA HIGHWAY DEPARTMENT

I. Initiate and promote an aggressive minority recruitment program:

   A. Personal contacts have been established with 129 minority community organizations including 20 Indian organizations to solicit their assistance in encouraging and assisting minority people to apply to the Personnel Commission for Highway jobs.

   B. Monthly lists of Highway jobs for which there are recurring opportunities for employment are mailed to each of these organizations.

   C. I coordinate with Arizona State Employment Service Offices in recruiting minorities where job vacancies occur.

   D. Minority applicants referred to our office are assisted in filling job application forms.

   E. Cooperate with local manpower training programs by accepting trainees for on-the-job training with the Highway Department. Upon completion of training program successful trainees were not being hired by the Department so meetings were held with Supervisors to obtain a commitment to hire these individuals. Representatives from local manpower training programs met in my office to discuss utilization of these trainees. Absent from this meeting was the representative employed by the Indian Development District of Arizona.

   F. I place Neighborhood Youth Corp trainees (NYC) with the Department during the summer months maintaining job records, issuing and distributing payroll. The Department also maintains a Summer Employment Program on a statewide basis. The Arizona State Employment Service Offices are responsible for recruiting but attempts are made by me to see that minorities are being contacted. Our past summer employment goals have been set at 60 to 70 percent of hires being from disadvantaged groups.

G. Counsel employees and applicants by providing career counseling, promotional opportunities and identifying training needs.

H. Investigate formal and informal complaints.

I. Participate in our Agency's Supervisor's Training Seminars which are scheduled at every one of our seven district offices. The objective of my presentation is to make supervisors aware of their equal employment responsibilities.

J. The Personnel Commission has an active on-going project to review qualification requirements for State positions to insure job relevance and eliminate artificial barriers. I have worked with the Commission in revising the qualification requirements to eliminate educational requirements or lower experience requirements, or both.

K. I compile and submit a quarterly report to supervisory personnel showing the status of our Equal Employment Program.

II. Our Department's affirmative policy regarding the recruitment of Indians is as follows: extensive recruitment in areas near to or on the reservation when job vacancies occur; contact agencies concerned with Indian employment; particularly meet with Indian employees to request their assistance to inform other Indians of job vacancies; utilize Department Personnel to notify local agencies of jobs. Indians now employed as Highway Maintenance Man are presently obtaining on-the-job training which will enhance their promotional opportunities.

Further, the Motor Vehicle Division is presently utilizing 8 Hopi Indian Agents and 4 Navajo Agents. We have also trained 6 Navajo Policemen and 1 Navajo Clerk to do the Financial Responsibility pick-up work and paper distribution for the entire Navajo Nation. At the present time the examiner assigned to Window Rock is a Navajo, and he services Teec Nos Pas, Kayenta, Ganado, Chinle and Window Rock. Whenever possible to fill any vacancies we endeavor to recruit Indians for Reservation work or anywhere within our organization where they are qualified. A great deal of the problem with our work on the Reservation is that we are continually challenged with reference to the constitutionality of the enforcement of our laws. We have also used Indians for interpreters throughout the state.

III. Indian organizations on our mailing lists receive monthly job vacancy lists and contacts are made with local agencies or organizations concerned about Indian employment. Attempts are made by my office to utilize staff personnel in local employment offices to recruit and assist Indian applicants.

Arizona Highway Department staff has participated in 2 Career Day Programs at Tuba City, which is on the Navajo Reservation.

IV. Recent recruitment trips were made on March 8 thru the 10th in District IV, V, and VII.

The District IV Engineer called our office to notify me of 3 job vacancies at Chambers, Arizona, which is near the Navajo Indian Reservation. He requested that attempts be made to recruit qualified Indians for these positions.

I met with an Indian employee at the Winslow Arizona State Employment Service Office to request his assistance in recruiting qualified Indians. During our conversation he admitted that too often they were unable to place qualified Indians on jobs due to Indians' reluctance to relocate.

Further meetings were held with the Chambers Maintenance Foreman, and the Ganado Maintenance Foreman, located on the reservation. Also a meeting was held at the Ganado and Klegtopah Chapter Houses to notify them of the vacancies. Job application forms were later mailed to both Chapter Houses.

On August 22, 1972, a recruitment trip was made to Cameron where a meeting was held at the Cameron Chapter House with six potential applicants for Highway Maintenance Man I positions. Each one of these individuals were assisted in filling out job application forms; two of the applicants were eventually hired. A further meeting was held with Arizona Highway Department Indian employees to review present working conditions at the installation.

V. On November 9, 1972, I met with Indian employees at Cameron due to requests for information regarding promotions, salaries and the Agency's grievance procedure.

VI. The Arizona Highway Department's "Turn-Over" ratio has been less than 1½% the past year with the majority of vacancies occurring in the Phoenix area. There have been practically no job vacancies in Southern Arizona due to the lack of construction and a cutback of maintenance work. The lack of work has made it necessary for the Department to transfer several employees to other Districts, especially to the northern part of the State. This too has created employee problems especially those with several years of service and who are not willing to relocate elsewhere. Several terminations have occurred as a result. As stated above the Arizona Highway Department will continue to recruit qualified Indians on or near reservations and to hire them when vacancies occur.

QUESTIONS FOR MR. ARTHUR LORING, EQUAL OPPORTUNITY COORDINATOR, ARIZONA HIGHWAY DEPARTMENT

1. As Equal Opportunity Coordinator what are your duties and responsibilities (especially with respect to compliance reviews of private contractors who contract with the Arizona Highway Department)?
2. Do you review only those contractors who contract to build federally financed highways, or do you also review contractors who contract to build State roads with State funds?
3. Do you know the reason why your Department has not established a policy requiring you to review all contractors for compliance?
4. Who determines whether a contractor is not complying with his minority hiring requirements, your office or the Department of Transportation?
5. Do you encourage contractors to hire all minority groups such as Indians, Mexican-Americans, Negroes, and others?
6. If a contractor hired a fair percentage of minority employees but no Indians, would he, nonetheless, be considered in compliance with your requirements?
7. Have a number of companies been found in noncompliance for failure to hire Indians and other minorities in sufficient numbers in Arizona? If so, have any been found in noncompliance for this reason more than once?
8. Has any action been taken either by your Department or the Department of Transportation to terminate contracts for this reason? If not, why not?
9. Can you cite employment statistics of private contractors in Arizona which show that they hire few or no Indians?
10. In your opinion, are highway contractors in Arizona cooperative in their efforts to comply with their minority hiring requirements, or is a constant watchdog procedure necessary to prod them into compliance?
11. It is our understanding that under present contract requirements the minority employee percentage of private contractors is supposed to range from 10 to 15%; that as of December 1, 1972, this percentage will be increased to 15–20%; on December 1, 1973, this percentage will again be increased to 20–25%; and finally, that on December 1, 1974, private highway contractors in Arizona will be required under the terms of their contracts with your Department to have a minority employee percentage ranging from a minimum of 25% to a maximum of 30%. Is that correct? If so, when were these new requirements added to highway contracts, and are they part of the Arizona Plan?
12. What specific plans have either the Highway Department or the Department of Transportation developed to make

certain that these new contract requirements are, in fact, complied with?

18. Do you believe that the contractors will achieve these newly established requirements for increased minority hiring? Why or why not?

ANSWERS FROM MR. ARTHUR LORING, EQUAL OPPORTUNITY COORDINATOR OF THE ARIZONA HIGHWAY DEPARTMENT

1. As Equal Opportunity Coordinator my duties and responsibilities primarily involve the administration of the contract compliance aspect of the EEO Program by monthly report evaluations and periodic in-depth reviews to determine whether contractors and subcontractors on federal-aid highway construction are fulfilling the EEO contract requirements of the bid conditions.
2. Only those contractors and subcontractors who are under contract for work on federally financed highways are reviewed.
3. The department has not established a policy requiring reviews on non-federal-aid highway construction projects.
4. When a review is conducted by the EEO office of the Arizona Highway Department, this office makes a determination of compliance or non-compliance, subject to FHWA concurrence.
5. Contractors are encouraged to hire all minority groups.
6. A contractor could be considered in compliance with EEO contract requirements under the new bid conditions of the "Arizona Plan" if he has an acceptable percentage of minorities in each trade used, despite the fact that he may have no Indians, or no Orientals, or no Negroes, or no Spanish Americans. The contract provisions require a minimum minority man-hour percentage for each trade, but this total percentage figure is not subdivided for each ethnic group.
7. According to the contract provisions of the new bid conditions of the "Arizona Plan," no contractor or subcontractor shall be found to be in non-compliance solely on account of its failure to meet its goals within its timetables, but such contractor shall be given the opportunity to demonstrate that it has instituted all of the specific affirmative action steps specified in Part II and has made every good faith effort to make these steps work toward the attainment of its goals within its timetables, all to the purpose of expanding minority manpower utilization on all its projects in the Tucson-Phoenix area.

   A couple of contractors have been found to be in non-compliance not solely because of insufficient minority manpower but because they lacked a viable EEO Program and had not put adequate effort into implementing the required affirmative action steps stipulated in the contract.
8. The Arizona Highway Department follows the FHWA Interim Construction Contract Compliance Procedures, which are in accord with the general guidelines promulgated by the Department of Transportation and the Office of Federal

Contract Compliance, Department of Labor. These procedures and the contract provisions of the new bid conditions of the "Arizona Plan" require that the contractor be given time to correct deficiencies and to demonstrate good faith efforts to comply with all EEO contract requirements. In the past, contractors who were not in compliance have taken all necessary actions to correct deficiencies and no contracts have been terminated.

9. Attached are sheets of statistics, showing month by month totals and percentages for employees on federal-aid highway construction projects from January of 1970 to August of 1972.
10. Most contractors do try to comply with minority hiring requirements.
11. The percentages indicated in question 11 are correct and these goals and timetables were incorporated into highway contracts in Arizona, effective January, 1972.
12. The FHWA has specifically spelled out construction contract compliance procedures which the Arizona Highway Department follows.

    At the pre-job conference, the EEO contract requirements are fully explained to the contractor and he is given the attached requirement review sheets as a supplement.

    Once work begins, monthly reports are checked, reasons submitted by contractors when failing to achieve required minimum minority manhour percentages are evaluated, notices are sent to contractors indicating deficiencies, and indepth reviews are scheduled on every contract.
13. There has been a marked improvement in the contractors' EEO Programs and their hiring practices since the new bid conditions became effective. There is every indication that the contractors will achieve increased minority hiring.

SUMMARY STATEMENT IN LIEU OF TESTIMONY OF MR. GLEN WHITMAN, SACATON, ARIZONA

As Tribal Manpower Coordinator at the Gila River Reservation my duties include insuring adequate employment opportunities for tribal members with private employers located on tribal industrial parks. These employers are located on the reservation pursuant to lease agreements with the tribe. Because of the land related nature of the agreement the B.I.A. must approve the leases. In this capacity the Bureau does not provide the tribe with any technical assistance for assuring maximum Indian employment under these lease agreements.

The leases in question do not contain Indian hiring preference clauses. The tribe has, however, considered including such clauses in future lease agreements. The monitoring of the employment practices of lessees by the tribe is somewhat weak. Employers are visited from time to time and their employment makeup is examined. Varied responses are received from employers under these circumstances: Some provide statistics reflecting good employment practices; some provide statistics reflecting poor employment practices; in some cases employers have refused to cooperate altogether. Leases do not require the submission of periodic reports regarding employment make-up.

Several factors limit the employment opportunities of tribal members with private lessees. An important factor is eligibility standards. Some employers require irrational qualifications. For example, Allis-Chalmers originally hired a large number of Indian employees but soon began weeding these employees out through what appear to be irrational standards. Among the reasons for denying employment have been that applicants have had diabetes or have had a tatoo. Just recently this standard was changed to three tatoos. No reason was given for being ineligible for employment if an individual has three tatoos. Lack of transportation is another problem faced by Indians in obtaining and retaining employment. Another difficulty has involved the lack of union membership by tribal members. Few Indians belong to unions. But such membership has been set as a qualification for employment by some employers. For example, a few months ago the tribe negotiated with National Housing Industries, Inc., for the production of housing on the reservation. During negotiations the issue of Indian employment and union membership was discussed. Representatives of National Housing assured tribal representatives that non-membership would not interfere with subcontracting part of the work to a tribally operated construction company. The tribe was led to believe that about 50 percent of the total labor force would be Indian. Recently the tribe received correspondence from National Housing indicating that they would subcontract with a tribal firm only if union members would be employed.

The hiring practices of the State on and near the reservation have not been good. Interstate Highway 10 built directly on the reservation about five years ago was authorized by the tribe as well as the BIA. That authorization contained no affirmative hiring requirements and no Indians were hired on the project. Nor have Indians been hired on highway maintenance projects on or near the reservation. This is to be contrasted with BIA road maintenance crews which are predominantly, if not totally, Indian.

QUESTIONS FOR MR. JOHN ARTICHOKER, DIRECTOR, BUREAU OF INDIAN AFFAIRS PHOENIX AREA OFFICE

1. The Commission has received statistics from the Employment Division of the BIA indicating that although Indians comprise a majority of all GS and Wage Board BIA employees, most Indians in the BIA are concentrated in lower GS and Wage Board categories. For example, in the Phoenix Area Office we are informed that while the majority of Indian employees are concentrated in GS grades 3, 4 and 5 most non-Indian employees are concentrated in grades GS 9 and 11. How do you account for this situation?
2. Please briefly describe the operation of Indian preference in BIA employment and promotion practices.
3. Why has not Indian preference affected a more even distribution of Indian employees throughout your agency?
4. At the Phoenix hearing in November the Commission heard testimony about a wide variety of problems in the area of education. A demographic staff paper prepared by Commission staff for the hearing indicates that American Indians have a significantly lower educational attainment level than any other group, and that the average performance levels of Indian children attending public schools are usually 2 to 3 years behind those of white children. What factors exist in the State of Arizona which would contribute to this situation?
5. In 1969 the Indian Education Senate Subcommittee concluded, after extensive investigation, that our Nation's record for educating American Indians is a failure of major proportions. It has not offered Indian children—"either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children." What changes have taken place during the past 3 years in the educational institutions administered by your office to correct this situation?
6. Since the President's Address of July 1970 on Indian Affairs there has been increasing concern for Indian involvement in and control of the programs which directly affect their lives. The Commission has heard the concern of tribal leaders that tribal governments exercise far too little influence over the Bureau, its staff and its programs. What efforts are being made by your office to increase Indian involvement and control of Bureau programs?

ANSWERS FROM MR. JOHN ARTICHOKER, AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, PHOENIX AREA OFFICE

1. The General Schedule grade level distribution within the Phoenix Area, as described, is due to a combination of factors:
   a. All BIA employees must meet minimal Civil Service Commission standards regardless of whether vacancies are filled by initial appointment, promotion, reassignment or reinstatement. Until recently the number of Indians who could meet the standards for GS-9 and above positions has been considerably below that of non-Indians. This is particularly true with respect to the GS-9 level, the grade for journeyman professional teacher—which is the occupation found to be in greatest incidence at GS-9. Turnover is slow in the higher grades, but as future vacancies occur they will for the most part be filled with Indians in view of Indian preference now applying to promotions, as well as accessions, and the fact that the technical and professional Indian labor supply is constantly growing.
   b. Most GS-3 through GS-5 positions are located at the reservation or field level where the Indian labor supply is greatest. Many of these positions represent subjourneyman levels which have been established through the process of position redesign in order to employ local Indians who have potential, but do not meet the Civil Service Commission standards for the full performance or journeyman level (to which they eventually progress). This is particularly true concerning Irrigation Operators, Policemen and Instructional Aids (Dormitory Attendants). As non-Indian GS-3 through GS-5 employees vacate their positions they will most certainly be filled with Indians. Phoenix Area wage employment does not reflect the same gradation concentrations as is true of General Schedule personnel. For example, current figures reveal 42% of the hourly pay supervisors and 74% of the nonsupervisors are Indians with over 50% of the latter above the unskilled level.
2. Indian preference within BIA operates as follows:
   a. *Initial Appointment/Reinstatement*—Individuals meeting minimal U.S. Civil Service Commission standards and furnishing proof of one-quarter or more degree Indian blood are given absolute preference. Furthermore, such Indian preference eligibles may be appointed exclusive of the Civil Service Commission competitive examining process.
   b. *Promotion from Within the BIA*—Employees meeting minimum U.S. Civil Service Commission standards *and*

having furnished proof of one-quarter or more degree Indian blood, who apply in response to a vacancy advertisement, are given absolute preference provided they are among the best qualified candidates. In this connection separate lists of Indian and non-Indian candidates are prepared and submitted to the selecting supervisor. If a non-Indian is selected, final action cannot be taken until approval is granted by the Commissioner of Indian Affairs based on a written justification reflecting that the non-Indian selected is *exceptionally well qualified.*

c. *Reduction in Force*—Indian employees are placed above non-Indian employees regardless of length of service within each subgroup on initial reduction-in-force retention registers (initial registers carry employees occupying occupationally similar positions having the same grade level). Indian employees may displace other Indian or non-Indian employees occupying positions for which they are qualified and represented by other retention registers only because they are in a higher subgroup.

(Note: Indian preference does not apply with respect to filling BIA vacancies by lateral movement except in response to a POB or from outside BIA, or within BIA when the move is to a position with promotion potential.)

3. The principal reasons why Indian preference has not to date effected a more even General Schedule grade distribution of Indian employees in the Phoenix Area are discussed under 1a. above, i.e., Civil Service standards and availability of Indian candidates for either initial appointment, reinstatement or promotion. Another reason that Indian preference has not effected a more even General Schedule grade distribution within the Phoenix Area is that prior to July 1972, Indian preference did not apply to promotions.

4. *Factors which contribute to the average performance levels of Indian students attending public schools being 2 or 3 years behind white students*

The majority of bilingual children or children who come from homes where the English spoken in the home is substandard enter school with language deficiencies.

The majority of children enter school as non-readers. During the first three years of school while reading skills are being taught, it is necessary that most classroom instruction be done orally. During this time, vocabulary development and word meaning is taking place, but in-depth comprehension and association lags in relation to word development. In accordance with Dr. Bryde (Indian Psychology), Dr. Bob Wilson (English As A Second Language—Navajo Project) and Drs. Bereiter and Engelmann (Teaching the Disadvantaged Child in the Pre-School) when bilingual students reach the 4th, 5th and 6th grades where instruction relies more heavily on individual reading and comprehension abilities, an academic lag becomes apparent.

1. In Reading, the Metropolitan Reading Test was administered to 317 3rd grade students in January '71 in 16 Phoenix Area Office schools. The mean score for these students was 2.5. The same test was administered in January '72, to 295 3rd grade students in 16 Phoenix Area Office schools. Again, the mean score was 2.5. The students in Arizona public schools showed a mean of 2.9.
2. Socio-economic problems: Children come from low-income families with the resulting problems of:

   Poverty: The median income of families on the reservation ranged from $1,200 per year to $4,500 per year. The median income for white families was two to four times greater than this.

   Inadequate food: Lack of proper nutrition is especially crucial during pre-natal care and up until the child is six years of age. It is during this time that the brain cells do the greatest amount of developing.

   Inadequate housing: Until recently, a majority of the housing in these areas was substandard or at least inadequate. Also there are problems with space for study for the children.

   Mental health problems: Caused by lack of opportunity, the unfulfilled expectations, the purposelessness of their existence, the ambivilence of their identities.
3. Conflicts of values: Indian students are not achievement oriented; therefore, the motivational techniques used in the classrooms are not meaningful.

5. *Changes which have taken place during the past 3 years in education administered by this Area Office:*

TITLE I. The funding increased from $650,000 in 1970 to $1.7 million in 1973.

1. Implementation of one or more innovative specialized reading-language programs in all schools of the Phoenix Area Office. One of these special programs at Sherman Indian High School was identified by a team from Columbia University as one of the most outstanding and exemplary programs in the nation. Subsequent reading programs have been

modeled after this one. It was chosen to be in the Model Schools Program sponsored by Dr. Lloyd Trump. There are only 50 schools in the United States in this. Sherman Indian High School is the only all-Indian school.

2. The establishment of a Parental Advisory Council in each of the 21 schools in the Phoenix Area.
3. The hiring of over 300 teachers and aides to operate programs for the academically deficient children over the past 3 years.
4. The implementation of five special education projects serving eight schools and hiring of a special education consultant to train teachers and serve the 100 children. These schools are Kerwo Day School, Vaya Chin Day School, Santa Rosa Ranch Day School, Santa Rosa Boarding School, Casa Blanca Day School, Salt River Day School, Phoenix Indian High School and Sherman Indian High School. These projects are funded through joint use of ESEA Title VI and Title I monies. All five projects are designed around the resource room concept of special education. This structure allows the student to continue participation in regular classroom activities with his peer group whenever possible. A student receives special attention in those skill areas which are causing him to experience difficulty. This approach eliminates the stigma of special education.

   The special education project at Santa Rosa Ranch Day School is designed to serve all of the Papago Agency schools and is combined with a special dormitory facility.
5. The establishment of a "school within a school" at Phoenix Indian High School to serve the special needs of the incoming students. This program is aimed specifically at preventing dropouts.
6. A comprehensive evaluation of special programs serving deficient children, leading to the replication of successful operations and the cancellation and/or modification of less successful ones.
7. Specialized math programs at 12 schools are in place. These schools are: Casa Blanca Day School, Gila Crossing Day School, St. Johns School, Blackwater Day School, Sherman Indian High School, Phoenix Indian High School, Keams Canyon Boarding School, Polacca Day School, Vaya Chin Day School, Kerwo Day School, Santa Rosa Ranch Day School and Santa Rosa Boarding School. These math programs are utilizing special elementary materials from the University of Wisconsin Math Program and Tutor Computers.
8. Indian arts and culture programs serving children and staff in 13 schools are provided by utilizing Mobile Instructional Units manned by Art Specialists. Schools being serviced are: Theodore Roosevelt Boarding School, John F. Kennedy Day

School, Cibecue Day School, Casa Blanca Day School, Gila Crossing Day School, St. Johns School, Santa Rosa Boarding School, Santa Rosa Ranch Day School, Kerwo Day School, Vaya Chin Day School, Phoenix Indian High School, Blackwater Day School and Salt River Day School.

9. Two Community Schools have been established in the Phoenix Area. One Community School is located on the Hopi Reservation at Hotevilla. The other Community School is Phoenix Indian High School. The Community School concept is being carried out in accordance with the philosophy of the Mott Foundation and the Community Schools Department at Arizona State University. The school facilities are made available to parents and members of the Indian community during the evening. This concept is to maximize the utilization of school facilities for the members of the community that they were designed to serve.

REGULAR FUNDING AND PROGRAMS. Several areas have received special emphasis since 1969.

1. A Community School was developed at Sacaton and turned over to the public school board for its operation. The all-Indian school board operates from funds received through the State, Federal 874 and 815 monies and JOM.
2. The Blackwater Community School is a tribally-operated school located on the Gila River Reservation. The Bureau of Indian Affairs contracts with the tribe for funds to operate this elementary school. The school was a former Bureau school with grades one and two. Since the contract for the total operation of the school, the community has initiated a Kindergarten Program at Blackwater.

ELEMENTARY PROGRAMS.

1. One fine program which has been initiated is the "Young Audiences", a co-sponsored program of the Division of Education and Young Audiences of Arizona. They sponsored 66 concerts in '70-'71, 3 or 4 concerts for each school of Phoenix Area Office in '71-'72 which included dancers that year. This year the students clustered around the artists after the concerts, which indicates increased appreciation of their programs.
2. During the '71-'72 school year, a series of Language-oriented learning materials (35 mm slides of the familiar—the local environment and every day living on the Fort Apache, Papago, Pima and Salt River Reservations) which were suggested by Indian people in each community, were developed.
3. The Division of Education and the Arizona Commission of

the Arts and Humanities, through The Southwestern Creative Writing Project, are bringing a series of young writers of predominantly Indian origin to five elementary schools to present the "Wishes, Lies, and Dreams" program for creative writing. Each school will receive four writers for two days per month during the first semester of the 1972-73 school year.

4. Science Curriculum Improvement Study Program (SCIS) begun in the '70-'71 school year is continuing. It is implemented in each elementary school and as a pilot program at Phoenix Indian High School. It is an ungraded sequential physical and life science program which turns the classroom into a laboratory. The laboratory experiences enable a student to relate scientific concepts to the real world in a meaningful way.
   A Nature Trail has been developed at the Santa Rosa Boarding School with help from the National Park Service. The trail is the first step in establishing an environmental education program.
5. Developing Mathematical Processes is being implemented at John F. Kennedy Day School, as a validation program which will allow the teachers to give input as to what changes are needed in the program to meet the needs of Indian students. DMP is a new elementary mathematics program currently under development at the Wisconsin Research and Development Center. It is based on an activity approach to math.
   A math lab has been implemented at Sherman Indian High School utilizing desk top computers to teach the basic skills in math and to teach the basic steps in computer programming.
6. In Social Studies, a program has been implemented at Hotevilla Day School and Theodore Roosevelt Boarding School as a pilot program. MACOS is a social studies program about "Man, His Nature as a Species and the Forces that Shaped and Continue to Shape His Humanity . . ."
7. The number of kindergarten units increased from eight during the '70-'71 school year to 10 during '71-'72. Two new units were completed at Santa Rosa and Second Mesa bringing the total number of units to 12 during '72-'73. Three new units will be completed at Cibecue, Kerwo, and Vaya Chin with FY 73 construction. Nearly all of the kindergartens are over-enrolled and two have double sessions.

SUMMER PROGRAMS. The philosophy of the Phoenix Area Office Education Division is to meet changing needs of Indian youth in providing quality education at all levels. Our schools and agencies are in strong support of continuing the educational process during the summer months. Major emphasis is on prekindergarten and elementary-age children's summer programs. Since 1970, each agency has become more involved in utilizing other Federal Departments, such as Labor, Defense, Agriculture, HEW, plus other branches of the BIA. Special Indian Youth Employment Programs were made available for 142 youths this past summer 1972. It should be noted that for FY 72, all schools in the PAO suffered a 5% cutback in their annual operating budget. Some agencies used Summer Program funds in lieu of their cutback.

HIGHER EDUCATION AND ADULT EDUCATION. The Adult Education Programs are aimed at helping the Indian people realize their own potentials in solving their own personal and community problems. Over the past fiscal year, many adult Indians were able to acquire GEDs and/or training to upgrade their job skills.

HIGHER EDUCATION GRANTS PHOENIX AREA FY 1973.

The Bureau of Indian Affairs encourages all qualified American Indian students to seek higher education for the purpose of developing leadership and increased employment opportunities in professional and vocational fields.

Scholarship funds for students aiming at the four-year college degree (or higher degrees) are appropriated annually by Congress to aid American Indian students who are in financial need. There has been a dramatic raise in this appropriation. In FY 1970, the amount appropriated was $3,848,000. In FY 1973, the appropriation is approximately $16,000,000.)

In FY 1970, 4,000 students were helped under the Higher Education Grant Program. During FY 1972, over 10,000 students were under the program.

This FY 1973, there will be nearly 15,000 American Indian students on the higher education grant program.

In the Phoenix Area in FY 1970, there were 486 students on the higher education grant program. During this FY 1973 over 1,000 students will benefit.

The Phoenix Area works very closely with all tribes within the Area. Many of the tribes supplement the BIA grants. All other sources of financial aids available, such as Educational Opportunity Grants, etc., from the various colleges and universities are also used so that the total need of the student is met.

At the request of Indian Tribal Education Committees and Indian Education Coordinators, the Phoenix Area has contracted with the colleges for counselors for Indian students where the colleges did not already have them. Seven colleges now have Indian counselors.

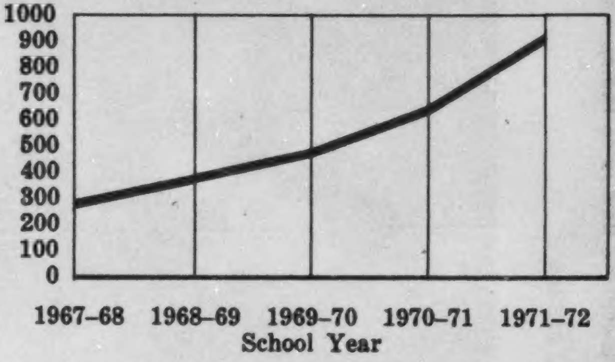
The attached graphs give a visual picture.

BUREAU OF INDIAN AFFAIRS, PHOENIX AREA OFFICE

Comparison Between the Number of Students Attending College in 1967-68 to 1971-72 School Years

School Year	Total Number of Students
1967-68	298
1968-69	383
1969-70	486
1970-71	645
1971-72	915
TOTAL	2,727

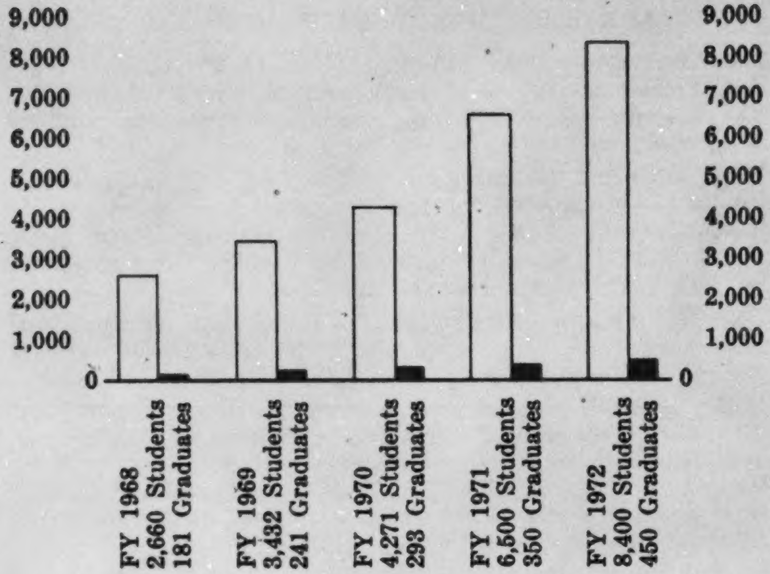
Comparison Between the Number of Students Attending College in 1967-68 to 1971-72

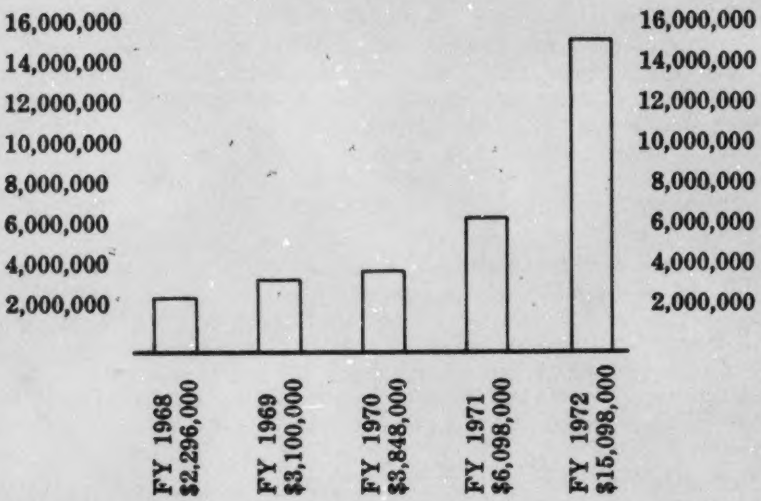


We expect over 1,000 students in Phoenix Area 1972-73

Amount Funded in the Phoenix Area for Scholarship Grants to Indian Students in 1967-68 to 1971-72 School Years

School Year	Total Amount Funded BIA grants only
1967-68	$ 298,874
1968-69	405,998
1969-70	567,316
1970-71	956,886
1971-72	1,245,311
1972-73	1,234,438


9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
FY 1968
2,660 Students
181 Graduates
FY 1969
3,432 Students
241 Graduates
FY 1970
4,271 Students
293 Graduates
FY 1971
6,500 Students
350 Graduates
FY 1972
8,400 Students
450 Graduates


16,000,000
14,000,000
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
FY 1968
$2,296,000
FY 1969
$3,100,000
FY 1970
$3,848,000
FY 1971
$6,098,000
FY 1972
$15,098,000

OTHER AREAS OF IMPROVEMENT.

The Arizona State Department of Library Extension Service, Hopi Community Action Program, and the Phoenix Area Office, BIA, are cooperating to bring Community libraries on the Hopi Reservation.

The Educational Technology Department of Arizona State University and the PAO Education Division was awarded a grant for the training of 15 American Indians as school library-media personnel by the Bureau of Library Technology, Office of Education, HEW. The program is in its second year of operation.

The PAO and the Elementary Department of Arizona State were awarded a Cooperative College-School science grant, to train all the Phoenix Area teachers in the utilization of SCIS.

In Sept., '72, PIHS established a supportive counseling program with ASU. This program allows for 8 students of ASU's Graduate School of Social Work to provide social services to PIHS students and their families. The program was designed to work in a supportive role to the existing counseling staff at PIHS. (The program is funded through NIMH.)

6. The Indian tribes of the Nation working with the Bureau of Indian Affairs began several years ago the process of allowing tribal governments to assume control of federally funded programs that affect Indian people in reservation life on a day-to-day basis.

Commissioners Nash and Bennett, particularly the latter, understood the process intimately and worked diligently to set it in motion. It remained, though, for President Nixon to recognize the two major limitations under which Indian tribes and the Bureau of Indian Affairs were laboring in trying to bring about Indian control of federally funded Indian programs. These limitations were set out in the President's July 8, 1970, message to Congress.

First, the President saw the threat of termination as a limitation on assumption of control of programs by Indian tribes. Congress has now renounced the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. Second, the President recognized the legal limitations on the assumption of control of Bureau programs. The Congress has not as yet acted upon the President's recommendations in this regard.

Not all of us who deal in Indian Affairs understand the legal limitations nor appreciate the fact that Congress has not given us the tools the President recommended. For example, we have had to sp[illegible] a great deal of time correcting some of the errors made in the form of contracts with tribes for the performance of what formerly was a Bureau service. A few tribes regard an insistence on making a technically correct contract as a lack of control over the program. However, we have been able in most instances to explain that the technical procedures are required by law and regulations which the Bureau cannot change.

We have been fairly successful in explaining to tribes that there are those matters that are exclusively within the tribe's purview—there are those things that are exclusively within the Bureau's purview—and there are those matters for which the Tribe and the Bureau share responsibility.

There are things we can do within the framework of existing laws, by using the tools that we have today. These are some examples.

Very extensive efforts have been made by the Phoenix Area Office to increase Indian involvement in Bureau programs. Of a budget of approximately $48 million in 1971, $19.2 million was contracted. Of the $19.2 million contracts, $7.6 million was in Buy-Indian contracts. It is felt that through this contracting, Indian involvement and control of programs was extensive in this Area.

In the matter of Indian involvement as it relates to Education, this has been answered in the question above wherein reference is made to each of the schools in the Phoenix Area having school boards in addition to an Areawide School Board. Also, under Title I, each school has a Parent Advisory Council, which has explicit in its organization involvement of not only representatives of the people in the area served by the school but also the involvement of the parents themselves. The purpose of this Parent Advisory Council is to have parental involvement in developing school programs.

In an attempt to involve tribal leadership in the Phoenix Area and to increase understanding by reservation leadership of Bureau programs, intensive effort was made beginning in the Fall of 1971 to take key Area staff to each reservation for meetings with tribal councils and agency staff. This program of "taking the services" of the Area Office to the field resulted in the visitation of 31 of the 44 reservations between October 1971 and October 1972.

Another key factor of Indian involvement in the Phoenix Area has been the participation of tribal councils with agency and Area staff in discussing budgets and the budget processes, with recommendations for program development reservation by reservation. There was involvement of Indian leadership not only in the PPE process but in the Reservation Acceleration Program.

Another significant contribution in Indian involvement has been the cooperative efforts between the Phoenix Area Office of the Bureau of Indian Affairs and the Inter Tribal Council of Arizona in planning approaches to dealing with legislative action in the State of Arizona, as it relates to the imposition of leasehold taxes on the reservations in Arizona. For at least the last five years the Area Office and tribal leadership in Arizona have cooperated in an effort to provide information to State legislators. The high point of this relationship resulted in a meeting in Scottsdale, Arizona, this past summer involving tribal leadership, State legislators, State officials and BIA personnel, to discuss problems concerning reservation development and to negotiate an approach to matters of mutual concern between the tribes and the State of Arizona.

At present in the area of development of a roads system, we are establishing a "highway commission" for the State of Arizona whereby tribal leaders will be selected to serve on a commission that will establish priorities on road construction programs in their district.

Other examples of Indian involvement are attached (Exhibits A, B, C, D and E; available in Commission files).

QUESTIONS FOR MR. CURTIS GEIOGAMAH, ASSISTANT AREA DIRECTOR AND CONTRACTING OFFICER, BUREAU OF INDIAN AFFAIRS PHOENIX AREA OFFICE

1. In the capacity of Contracting Officer you have responsibility for construction contracts let by the Bureau to private contractors, do you not?
2. How are construction contracts let by your office?
3. About how many such contracts are let from your office annually?
4. About what percentage of these contracts are let to Indians under the Buy Indian Act?
5. Is your office doing anything to encourage greater Indian involvement under that Act?
6. The Commission has heard numerous complaints regarding the lack of Indian employment by private contractors operating under Bureau contracts. Such contracts contain an employment preference clause do they not?
7. What does this clause state?
8. What is the term "local residents" interpreted to mean?
9. Does the use of the term "local residents" instead of "Indian" inhibit the Bureau from guaranteeing Indian preference?
10. How are the employment practices of private contractors operating under Bureau contracts monitored? Do you feel this process is effective?
11. How many Bureau contractors have been found to be in violation of their contractual hiring obligations during the past year? During the past five years?

ANSWERS FROM MR. CURTIS GEIOGAMAH, ASSISTANT AREA DIRECTOR AND CONTRACTING OFFICER, BUREAU OF INDIAN AFFAIRS, PHOENIX AREA OFFICE

1. Yes. The contracting function is under my supervision. However, I do not exercise day-to-day supervision over its operations. There are three contracting officers' positions for this Area as stipulated by CFR 14 H-1.451.2. These positions are the Area Director, Assistant Area Director for Administration and the Area Property and Supply Officer. The immediate day-to-day supervision of the contracting functions and signing of contracts is the responsibility of the Area Property and Supply Officer except in those cases when he feels that a contract should be signed by either the Area Director or the Assistant Area Director for Administration.
2. Construction contracts are let in strict conformance and compliance with federal procurement regulations. Briefly, these regulations require that we formally advertise these contracts from 30 to 60 days, set a firm bid opening date and make an award to the lowest bidder, providing he meets all stipulations of the contract specifications.
3. There are approximately 40 construction contracts let from this office annually.
4. Approximately 6 percent of fiscal year 1972 contracts were let under authority of the Buy Indian Act. Since July 1, 1972, through the current date, three contracts have been awarded under this authority. This amounts to approximately 9 percent of our current construction contracts.
5. Yes. Periodic meetings are held either with individual tribes or with inter-tribal organizations at which we inform the attendees of the nature of the Act and have discussion concerning the procedures of contracting under this authority.
6. Yes.
7. "Preference in employment from all work to be performed on this contract, including subcontracts thereunder, shall be given to local residents subject to the provisions of clause 21, Equal Opportunity."
8. We have interpreted the term "local residents" to mean Indian when the construction work is being done on or near an Indian reservation.
9. No. We in the Phoenix Area do not feel that the term local residents inhibits us from guaranteeing Indian preference.
10. The employment practices of private contractors operating under the Bureau contracts are monitored principally by selected Contracting Officer representative (COR). It is felt that this process is reasonably effective. It is mandatory that the contractual staff be expanded to be in a position to

provide closer supervision of all aspects of the basic contract to include compliance.

11. According to our official files, no Bureau contractor has been reported to have been in violation of their contract hiring obligation during the past year or during the past five years.

(In addition to the prepared answers to the above questions, Mr. Geiogamah provided the following additional information during an interview:

In the past the BIA was able to generate more Indian employment under its contracts through the exercise of its force account authority. Pursuant to this authority, the BIA awarded itself construction contracts, hired its own employees to do the labor and ran its own training programs. Up until the early fifties, much that is done today by private contractors was done by Indians, pursuant to this authority. For example, the milk and meat consumed at an Indian hospital would have normally been raised by Indians in the community. Because such interests as the dairy industry claimed that this was undue competition, President Eisenhower issued an Executive Order requiring the BIA to put services and supplies out to public bid. Today, the BIA does some force account on construction contracts but this is subject to limitation because of the Bureau's lack of heavy equipment.

Mr. Geiogamah was asked about complaints from Indians to the effect that the Buy Indian Act has recently undergone a reinterpretation requiring stricter standards by Indian firms and erasing advantages that Indian firms had under that Act. This is not accurate, according to Geiogamah. The Buy Indian Act gives the Bureau the authority to negotiate with an Indian firm outside of the competitive process. Accordingly, the BIA can be more lenient and flexible with Indian firms than with non-Indian firms. Because of poor experiences recently under this lenient approach, stricter adherence to established standards have been required as a matter of policy.)

QUESTIONS FOR MR. JAMES DUNN, PROPERTY AND SUPPLY OFFICER, PHOENIX BUREAU OF INDIAN AFFAIRS AREA OFFICE

1. Do you have the responsibility for monitoring the employment practices of private employers under contracts let by your office?
2. What efforts does your office make to monitor the employment practices of these contractors?
3. Has your office ever received from the Washington Office any indication of the need for more vigorous enforcement in this regard?
4. To your knowledge has your office ever had the occasion to cancel or terminate a contract because of the contractor's employment practices?
5. Are you satisfied that such employers, as a general rule, hire adequate numbers of Indians on their projects?
6. If the answer to question 5 is no, what must be done to improve the situation?

ANSWERS FROM MR. JAMES DUNN, PROPERTY AND SUPPLY OFFICER, PHOENIX BUREAU OF INDIAN AFFAIRS AREA OFFICE

The statements made in answer to the basic questions are directed towards construction contracts.

1. The BIA Procurement Regulations (BIA Procurement Reg. Release No. 1-11/24/69) cites *Federal Register*, Vol. 34, No. 163 dated August 26, 1969, Subpart 14H-1.4 PROCUREMENT RESPONSIBILITY AND AUTHORITY. 14H-1.451.2 pertains to the designation of Contracting Officer positions. The organizational titles are designated as Contracting Officer positions that encompass the basic responsibility for the establishment of procedures to include the monitorship of employment practices of employees under contract. Any individual so designated by the authority mentioned above has responsibility for monitorship of the contract.
2. Monitorship of the employment practices of contractors starts with the preconstruction contractor's conference. Employment practices and policies are discussed in detail with the contractor. A copy of the agenda for preconstruction contractor's conference is enclosed. For each contract, a Contracting Officer's representative (COR) is appointed and the duties of such an individual are outlined in detail for his general guidance. A copy of the form used to designate the Contracting Officer's representative is enclosed as well as a sample letter to the contractor informing him of the assigned COR. (Enclosures mentioned are available in Commission files.) Specific reference is made to labor practices in conformance with contract terms. Instructions to contractors are provided in writing and specific information relating to the hire of local residents is incorporated in the original request for bid that is mailed to prospective contractors. Detailed COR reports are rendered during the progress of the contract. Payroll journal statements that show the name, address and social security number of each employee are submitted by the contractor. As each contract is awarded, a Standard Form 99 entitled "Notice of Award of Contract" is mailed to the Department of Labor, Wage and Hour and Public Contracts Division, giving all of the vital information pertaining to the contract. Because of the increased contractual workload, there is a dire need for additional personnel to strengthen contractual activities particularly as they relate to compliance. Requests have repeatedly been made to Washington for such personnel. On October 5, 1971, a detailed program was submitted that requested more contractual personnel to support a greatly increased workload. No additional personnel have been made available as of this date.

3. Routine contract administrative techniques (CAT) have been issued by the Washington Office from time to time but these have been in the nature, primarily, of clarification of existing regulations. On April 26, 1962, Phileo Nash, Commissioner BIA, sent a wire to Area Director, Phoenix, Arizona, stating all construction contracts entered into by the Bureau shall contain a preference to local residents clause. The clause to be included in the contract was to read as follows: "preference in employment from all work to be performed under this contract, including subcontract thereunder, shall be given to local residents subject to the provisions of clause 21 Equal Opportunity."
4. To the best of my knowledge, this office has not had the occasion to cancel or terminate a contract because of the contractor's employment practices.
5. I am satisfied that such employers, as a general rule, hire adequate numbers of Indians on their projects.

(In addition to these prepared answers, Mr. Dunn offered the following information during an interview:

The language of the Indian Preference Clause of the BIA Construction Contract used to say "Indian" but in 1962 was changed to "local residents," because it was felt that use of the term Indian was violative of civil rights laws. This was prior to the passage of Title VII of the 1964 Civil Rights Act and its special Indian preference exemptions. The Area Office has as a matter of policy always interpreted the words "local residents" to mean local Indian residents.

Mr. Dunn was asked how penalty of a contractor would be effected should an appropriate case arise. He stated that the initial decision would be made at the Area Office level and then forwarded to Washington for a final ruling by the Department of Labor. Dunn has been in his present position since 1967, and stated that during that time he has received no formal complaint from any Indian tribe regarding the employment practices of construction contractors.

Regarding complaints from some tribal leaders that Indians are not involved in the planning of construction projects on the reservation, Dunn stated that as a matter of course tribal leaders are invited to attend preconstruction conferences which are held prior to all projects. Many tribal leaders, he stated, do not respond to these invitations.)

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

December 5, 1972

Honorable Gary K. Nelson
Attorney General
State of Arizona
Phoenix, Arizona

Dear Mr. Attorney General

When the Commission's hearing in Phoenix, Arizona, this November was unavoidably cancelled, due to Commissioner Ruiz' illness, Chairman Freeman stated that the Commission would continue the investigation of Indian civil rights problems and complete the record of the hearing.

To carry out this mandate we are sending you questions for completion. These questions would have been posed to you at the public session had you had a chance to testify. Your answers will become part of the hearing record, to be published by the Commission.

Please answer these questions fully and make whatever additional comments relevant to the subject matter you feel are necessary. As it is essential to complete the hearing record as soon as possible, I would appreciate your returning your answers to this office no later than December 15, 1972.

Members of my staff, and, perhaps, myself, will be visiting Arizona during the week of December 11, and will be in contact with you to discuss these questions and additional matters which might arise.

Thank you for your anticipated cooperation.

Sincerely,

JOHN H. POWELL, JR.
General Counsel

Enclosure

QUESTIONS FOR MR. GARY K. NELSON, ATTORNEY GENERAL, STATE OF ARIZONA.

1. What responsibility does the State Government of Arizona have with respect to reservation Indians?
2. It is our understanding that the Arizona Civil Rights Commission will be placed under the jurisdiction of the Attorney General's office sometime in 1973. Is that correct? If so, for what purpose is this transfer taking place?
3. In your opinion, is the present law under which the Arizona Civil Rights Commission operates adequate? If not, why not?
4. Do you intend to propose that the State legislature enact a new law incorporating greater enforcement powers? If so, please elaborate regarding the provisions of this proposed legislation and explain how it will result in making the operations of the Civil Rights Commission more effective, particularly in the field of public and private employment opportunities for Indians and other minorities?
5. It is our understanding that the State Personnel Commission currently is drafting an Affirmative Action Program which will establish a policy of equal employment opportunity for all persons insofar as employment in State agencies is concerned. We further understand that the Federal Government requires that Arizona and other States who receive certain Federal grants are now required to promulgate such affirmative action programs. Has the Arizona Civil Rights Commission been involved in the preparation of this plan, and will they monitor its operations once it is placed into effect?
6. As Attorney General you are an *ex officio* member of the Arizona Commission of Indian Affairs. Do you have any comments on the functions and operations of this Commission and do you have any suggestions as to improving its effectiveness?

OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

GARY K. NELSON
THE ATTORNEY GENERAL

January 2, 1973

Mr. John H. Powell, Jr.
General Counsel
United States Commission on Civil Rights
Washington, D. C. 20425

Re: Indian Questions

Dear John:

Please excuse the inordinate delay in responding to your letter and questionnaire of last month. It seems like I was either out of town or sick the whole month of December.

The answer to the first question is probably dispositive of the whole Indian problem. Since the State of Arizona has very little jurisdiction over or responsibility for Indians living on reservations, is it any wonder that the programs for such Indians are lacking in coordination, purpose or depth. Having said this, however, there is a great concern over the Indian and a desire to help him reap the benefits of 20th Century America. The question is how, particularly in the light of the tri-jurisdictional disaster facing any agency that wants to help.

In answering question number 2, the Civil Rights Commission is now under this office as a result of the Governor's proclamation last month. I have no real information as to why the change was made by our Legislature. Assuming the best, I can only hope that their interests were to insure better enforcement and greater visibility of the work of the Division. In any event, this will be our aim.

In combining answers to your questions 3 and 4, I would say the current law is inadequate and we will try to have it amended in 1973. The main reason the current statute is inadequate is that it provides no affirmative enforcement powers whatsoever and provides only for a procedure whereby an aggrieved person is eventually allowed to file a misdemeanor complaint before a Justice of the Peace. The maximum penalty is a $300 fine. In order to get this he must, in effect, be guilty of two violations.

I have had several different people on my staff work on possible amendments. I am enclosing for your information an unedited set. We intend to have our final recommendations ready for submission by February 1, 1973. If you have any further suggestions, please advise.

The thrust of these amendments is to eliminate criminal sanctions, provide full civil and injunctive authority, and to provide for civil penalties in addition to forced compliance. It is our feeling that the suggested amendments should cover any problem previously encountered with the E.E.O.C. and other federal agencies.

As to Indians, see current A.R.S. § 41-1464, wherein certain businesses on or close to Indian reservations are permitted to discriminate in favor of reservation Indians.

In answer to question number 5, please be advised that the Arizona Civil Rights Commission worked very closely with the State Personnel Commission in drafting an Affirmative Action Program for all of state government. It's my understanding that the program will be effectuated very soon. Our new division will be responsible for monitoring its effectiveness and operation.

In answer to the final question, the promotion of fellowship in the area of Indian Affairs is not a recent development in Arizona. Arizona's Commission of Indian Affairs, which is the official link between the tribal governments and the state government, was established by Arizona's Legislature nearly twenty years ago.

The responsibility of the Commission is well stated in Commission Chairman Bill Alcaida's most recent annual report to Arizona's Governor (a copy of which is also enclosed). Chairman Alcaida wrote as follows:

> "The problems confronting Arizona Indians in attaining a place of social, economic and political equality with other citizens of this state and nation are complex and will take both time and patience to solve. The members of the Commission recognize and accept the responsibility which has been entrusted to them to contribute to the solutions of these problems."

An example of a recent and noteworthy accomplishment of the Commission was its instrumental role in the conduct of a town-hall form of gathering, which was held approximately three months ago on the Salt River Indian Reservation. More than 90% of the residents of the various Indian reservations within the State of Arizona were represented at the gathering, together with a substantial number of legislative and executive officials of Arizona's state government.

From time to time, money--from both private and public sources--is made available for purposes consistent with those of the Commission, but the Commission presently is not empowered to accept and administer such funds. However, legislation has been proposed in Arizona to allow the Commission to receive and expend such funds in an effort to assure the most direct benefit in those areas where improvement is most needed. (See attached copy.)

Although the Commission already plays a significant role in the improvement of relations in the area of Indian Affairs, such legislation, in my opinion, would help greatly to increase the effectiveness of the Commission.

I enjoyed our long conversation in Washington, and hope we will be able to get together again soon. If you have any questions concerning the matters which I have outlined in this letter, please do not hesitate to call me. Due to my infirmities in December, I still have not contacted personally the Pima County Sheriff in regard to the other matter we discussed. I shall attempt to do so this week and will see what information I can make available to you.

Best wishes for a Happy New Year.

Sincerely yours,

Gary

GARY K. NELSON
The Attorney General

GKN:fs
Enclosures

(See Exhibit No. 11 for the enclosures mentioned above.)

QUESTIONS FOR MR. J. FORD SMITH, EXECUTIVE DIRECTOR, ARIZONA CIVIL RIGHTS COMMISSION

1. Please describe the Arizona Civil Rights Commission, its purpose, powers, and responsibilities?
2. What specific authority does it have regarding discrimination in public and private employment?
3. How many complaints have you received from Indians in the areas of private and public employment?
4. How many complaints have you received from Indians in the other areas under your jurisdiction?
5. What explanation do you have for the relatively few number of complaints from Indians?
6. How do you publicize the fact that Indians have the right to complain to your Commission?
7. Have you or any of your staff members ever personally visited Indian reservations or conferred with tribal leaders regarding your Commission and the right of Indians to seek its assistance regarding such complaints?
8. Considering the number of Commission employees, do you believe the Commission is able to effectively inform Indians and other minorities of their rights under State law? For example, do you or any of your staff members make frequent trips to Indian reservations for this purpose?
9. Does the Arizona Civil Rights Commission have authority to make periodic surveys into discrimination in any of the three areas of its jurisdiction, i.e., voting, public accommodations, and employment? If so, has the Commission ever made such a survey into employment, and if it has, what were the results of that survey?
10. Have you ever submitted any recommendations on employment either to the Governor or the State legislature, other than your annual report and statistical breakdown of employment by State agencies?
11. It is our understanding that the Equal Employment Opportunity Commission has indicated that the Arizona Civil Rights Commission must obtain greater enforcement powers in the field of employment, or it will not continue to refer employment complaints to it for action prior to taking action itself. If so, do you intend to seek stronger legislation for the Civil Rights Commission in 1973?
12. How many additional employees will be needed to effectively perform your operations if you are given the new enforcement powers as proposed by the Attorney General?
13. How many Indians do you presently have on your staff and what are their functions?
14. Do you need additional Indian employees to effectively service both on reservation and urban Indians?

ANSWERS FROM MR. J. FORD SMITH, EXECUTIVE DIRECTOR, ARIZONA CIVIL RIGHTS COMMISSION

1. The Arizona Civil Rights Commission has three functions of operation in the areas of voting, public accommodation, and employment. The Commission has the power to waive jurisdiction in such cases where the Commission determines that compliance cannot be obtained under the provisions. The Commission has the power to hold public hearings and to subpoena witnesses only at the time of public hearings.
2. Arizona Statutes 41-1461 and 41-1462 and under 41-1462, paragraph 1 through 6. 41-1464: this statute grants preferential treatment to employers who locate their business on or near an Indian reservation.
3. Since the inception of the Commission we have received a total of 17 complaints in the area of employment.
4. There have only been four complaints filed in the area of public accommodation.
5. My reply to this is that I simply feel that the American Indians feel that the Arizona Civil Rights Commission cannot grant the necessary actions or relief in matters of this nature.
6. We recently, through the television media, ran 30 segments of one minute shots indicating that anyone could file with the Arizona Civil Rights Commission. Also, this information has been relayed to the Indian community through two different project directors of the Indian Affirmative Action Program.
7. "Yes." I have personally visited the Gila reservation and two of my project directors have visited various Indian reservations.
8. My answer to the first part of your question would be "no," due to the fact that there are 14 different tribes located throughout the State of Arizona. Frequent? I would say no because of our limited staff.
9. The answer to the first part of your question is "yes." However, we are restricted again to the limits of our survey. Yes, we do have jurisdiction in the three areas you mentioned. Yes, we have made a survey of employment. We have an annual report entitled, "Minority Employment in Arizona State Agencies." Our current report indicates of 29,587 state employees there are only 414 of American Indian ancestry. A further breakdown shows that 250 of these employees are in the pay grade range of 1 through 10; 146 employees are in the range 11 through 19, and 6 are in the range 20 through 29. The survey indicates there are 8 in the exempt category. Grade 1 represents a beginning salary of $323 a month and it is graduated upward to grade 10 of $522 a

month. Grade 11 beginning salary is $557 a month and grade 19 is $993 a month. Grade 20 beginning salary is $1083 and graduated upward to 29, beginning salary $2471 a month. The figures I have given you will be printed in the 1972 Minority Group Employment in Arizona State Agencies that should be published by the 31st of December.

10. The answer to your question would be that in our annual report we do make recommendations concerning employment to the Governor and the State Legislature.
11. Mr. Powell, the first part of your question is quite correct. The Equal Employment Opportunity Commission has indicated that unless all state agencies implement their legislation to conform with Title VII of the Equal Employment Opportunity Commission, they will no longer refer to the state or city agencies. Mr. Powell, I don't know whether you are aware of the fact that the Arizona Civil Rights Commission is to become a part of the newly developed Department of Law for the State of Arizona, which is headed by the Attorney General, Mr. Gary K. Nelson. The effective date is July 1, 1973, unless the Governor issues an Executive Order, which has been requested by Mr. Nelson for January 1, 1973, to promote a smoother transition and grant stronger legislation for the Arizona Civil Rights Division.
12. I feel that if we are given these new enforcement powers then the least number of persons needed would be four. Sounds like a small number? I know, but I do happen to know how the Legislature of our State operates. I am saying four persons. I feel that we would need an additional field representative, two new persons to handle intake of complaints, which would be their sole responsibility, and the fourth individual would be hired to handle contract compliance.
13. Presently, there is one American Indian on my staff, that is Mr. Michael Purley, who was hired through the Presidential Employment Emergency Act as a Field Representative I. However, as of July 1 of this year, he became a permanent employee. Until recently, the Indian Affirmative Action Program was headed by Mr. Robert Melvin, an American Indian. Mr. Melvin has since resigned and is now employed in the Navajo Community College Manpower Program.
14. Mr. Powell, I think that we have covered this question in another question previously asked me.

QUESTIONS TO AND ANSWERS FROM MR. CLINTON PATTEA, EXECUTIVE SECRETARY, ARIZONA COMMISSION OF INDIAN AFFAIRS, PHEONIX, ARIZONA.

(1) Q. Please describe the Arizona Commission of Indian Affairs, its purpose, powers, and responsibilities?

A. The Commission's purpose is to serve as a communication link between State, Federal and tribal governments. Its powers are to survey and study the needs and desires of tribal governments, and relay those needs to State and Federal agencies. The Commission has responsibility over all aspects of Indian affairs and is obligated to prepare an annual report on the subject. The Commission's statute reads as follows:

> A. The commission shall consider and study conditions among Indians residing within the State. The studies shall be made to accumulate, compile and assemble information on any phase of Indian affairs. For such purposes the commission may hold hearings, make investigations, and confer with officials of local, state and federal agencies in order to secure cooperation between the federal, state and local governments in the promotion of the welfare of the Indian people.
>
> B. The commission shall make a written annual report, giving an account of its proceedings, transactions, findings, and recommendations to the governor and the legislature, and shall from time to time submit such other reports as may be necessary. (41-542. POWERS AND DUTIES; STUDIES AND HEARINGS; COOPERATION BETWEEN FEDERAL, STATE AND LOCAL AGENCIES; REPORTS).

(2) Q. What has the Commission done to promote the employment of Indians in both the public and the private sectors?

A. We work closely with the State Employment Service in this regard. We make presentations at civic organization meetings regarding Indian employment. We tell them about reservation employment problems and how they can be resolved.

(3) Q. Have you had any conferences with State and private employers regarding employment opportunities for Indians?

A. We have met with the Highway Department as well as with representatives of the banking industry. Bankers in the area are trying to initiate work shops for career development with Indian schools.

(4) Q. Have you made any studies regarding the employment

problem of Indians? If so, what action, if any, was taken on these studies?

A. We have made some surveys and have found a lot of unemployment on the reservations. Tribes desire more economic development. Both the BIA and EDA have responsibility in this regard.

(5) Q. In conducting these investigations, has your agency found any evidence of employment discrimination?

A. We sometimes get complaints from individuals. We refer them to the EEOC and the State Civil Rights Commission.

(6) Q. Has the State Civil Rights Commission been effective in responding to those complaints?

A. Apparently they haven't had the authority to issue orders or enforce the law. But now that the Commission will be placed under the direct authority of the State Attorney General's Office it may become more effective in the future.

(7) Q. Has your office ever conducted a survey of the employment practices of any State agencies?

A. No. The State Employment Service releases those statistics from time to time, though.

(8) Q. Has your office ever received complaints about the hiring practices of the State Highway Department?

A. Yes. We have discussed the inadequate number of Indian employees with the Highway Department. We just recently did this, so there are no results as yet.

(9) Q. Can tribal governments require a given number of Indian employees on on-reservation highway construction projects before granting a right-of-way to the State?

A. Yes. But unions present a problem in this regard. Private contractors cannot find large numbers of Indian union members.

(10) Q. But isn't Arizona a right-to-work State?

A. I don't know about that.

(11) Q. Does the Commission need additional authority in order to promote Indian employment opportunity in Arizona.

A. Yes. Last year we asked the State Legislature to amend our statute to authorize us to initiate programs for tribes instead of simply survey and study. This bill passed the Senate but died in the House. It will be introduced again next year.

(12) Q. In your experience, what has been the attitude of the State Legislature toward Arizona Indians?

A. Arizona tribes want to retain their tribal sovereignty and work with State agencies on an equal basis. Recently, the State attempted to assert a leasehold tax on reservation land. This contradicts the separate legal status of tribes. This year tribal representatives have sat down with State representatives for the first time to settle questions regarding tribal status.

(13) Q. In your opinion, what should the State's responsibility be, regarding Arizona reservation Indians? Arizona urban Indians?

A. State legislators feel no direct responsibility for the needs of reservation Indians. They consider that to be a Federal responsibility. This conflicts with the recent attempt of the State to impose a leasehold tax on reservations. Urban Indians have always been entitled to the same services as other State citizens.

QUESTIONS TO AND ANSWERS FROM MR. ALBERT N. BROWN, EXECUTIVE DIRECTOR, ARIZONA STATE JUSTICE PLANNING AGENCY

(1) Q. What are the functions of the Arizona State Justice Planning Agency?

A. See copies of Governor Williams' Executive Order 68-3, and copies of the Omnibus Crime Control and Safe Streets Act of 1968 as amended by Omnibus Crime Control Act of 1970; and the Juvenile Delinquency Prevention and Control Act of 1968 as amended by the Juvenile Delinquency Prevention Act of 1972.

(The Executive Order referred to establishes in the Executive Office the Arizona State Justice Planning Agency to implement the above mentioned Acts. That Order states that ASJPA's Governing Board shall:

> maintain general oversight, review, evaluation and approval of the law enforcement improvement activities of the Executive Director and staff, including development and revision of the state law enforcement and juvenile delinquency prevention and control plans, establishment of priorities for law enforcement improvement in the state, correlation with units of local government and law enforcement, and implementation of sub-grants or allocations thereto. (Section 2(d)).

(2) Q. When was the Arizona State Justice Planning Agency established, and when did you become its Executive Director?

A. November 15, 1968—Agency established. April 14, 1969—Became Executive Director.

(3) Q. Please describe the composition of your Governing Board, including any Indian members thereon.

A. See attached list of members. Note: the composition of the Governing Board conforms to LEAA's guidelines (see attachment).

(The list of members indicates that of the Board's 16 members one is Indian. He is Howard Gorman, a Navajo Tribal Council member. Other members include State legislators, mayors, police chiefs, judges, and directors of correctional institutions.)

(4) Q. Please describe the types of grants processed through your agency, giving particular emphasis on grants to Indian tribes.

A. See attached lists of grants.

(The list referred to indicates that since its inception ASJPA has handled nearly $8 million in grant funds, in the form of over 400 individual grants. The grants serve a wide variety of purposes, including such things as inner-city youth programs, crime lab improvement, communication improvement, counseling, various studies, intelligence systems, police training, etc. This list reflects grants made during the period from November 15, 1968, to September 1, 1971. During this period, out of a total of $7,850,769 in grants, Indian tribes received 16 grants totaling $420,969. These grants were for the following purposes: police training, law and order code revision, delinquency prevention and control training, basic recruit training, police legal advisor, prosecution improvement, detention facility, prosecutor training program, additional officer, radio system, delinquency prevention program. It should be noted that except for $12,725 granted to the Hualapai Tribe out of the State's block grant, all of these grants were from discretionary funds. During an interview Mr. Brown stated, "Most of the Indian money is discretionary. We help them write up proposals for discretionary money; we endorse the proposals and administer the grants. With regard to block grants tribes are deemed units of local government. They, therefore, get block grant money on a dollar-for-dollar basis, depending on population size." Discretionary funds on a nationwide basis amount to 15 percent of the total LEAA funds. Currently, about $3 million of this is earmarked for Indian projects on a nationwide basis.)

(5) Q. What input do Indians have regarding your Board's planning procedures and ultimate determinations as to which Indian programs will receive its endorsement?

A. ASJPA employs a full-time professional Indian Justice Planner. He assists the various tribes in determining their priorities (Indians' right of self-determination) and preparing planning input for the annual comprehensive plan. This flows through the task forces of the Governing Board, each of which has Indian representation thereon, to the Governing Board which also has Indian representation thereon. Their input originates with the Indian tribes based on their priorities, wants and needs for improvements of the criminal justice system. A portion of Arizona's block grant from LEAA, based on population, is allocated for Indian projects.

(6) Q. What roles do your task forces play in providing specific information on Indian proposals to your Board?

A. The task forces are organized on a discipline basis to review input and project applications. They see that the planning input takes a comprehensive approach towards improving the criminal justice system, and that project applications fit into the programs established by the annual Comprehensive State Criminal Justice Plan. Indians are represented on each task force. Indian planning input is considered in the above manner. Indian project applications are initiated by the tribes that exercise the right of self-determination within the Safe Streets Act and LEAA's Guidelines. The funding of Indian projects is accomplished by determining priorities amongst all Indian projects. These are funded from the aforementioned allocation of block grant monies for Indian projects. In addition to funding Indian projects from block grant monies, ASJPA, working through the Indian Planning Specialist, aggressively seeks discretionary funding for Indian projects. Here, the competition for funds is amongst Indian tribes on a nationwide basis.

(7) Q. Describe briefly the purpose and accomplishments of the program of the National Indian Justice Planning Project.

A. See attachment #7.

(Attachment #7, Indian Justice Planning Project Report 1971, states in its Preface as follows: "The Indian Justice Planning Project came into being through the efforts of the state planning agency directors of Arizona, Colorado, New Mexico and Utah who, in developing their own comprehensive statewide plans for law enforcement, quickly realized that the problems, needs and priorities which exist on Indian reservations within their respective states did not necessarily prevail throughout the remainder of the state.

"As the criminal justice problems concerning the 46 geographic Indian reservations in those four states are unique and varied, not only from the surrounding non-Indian communities but from reservation to reservation, the four southwestern states joined together in this pioneering effort to plan with tribal leaders for the improvement of law enforcement on each of the reservations.")

(8) Q. Please describe some of the problems of coordination that arise between related Federal-State programs. In your opinion, what can be done to eliminate or minimize such problems?

A. To achieve coordination of Federal-State programs, Arizona, through the Governor's Executive Order, established six standard planning regions per OMB Circular A-95. These six regions were organized as councils of government that serve as regional clearinghouses and have a knowledge of all Federal-State programs in the region. In addition, the Governor's Office has established a committee for Federal-State relations, the membership of which represents agencies that receive 98% of all Federal funds received by Arizona. This is another excellent coordinating device for Federal-State programs.

(9) Q. The Commission heard testimony at its Phoenix hearing in November from representatives of the Southwest Indian Youth Center that the State of Arizona considers Indians a Federal responsibility and that State officials, therefore, are hesitant to aid in the funding of Indian programs; on the other hand, because of the Federal Government's emphasis on regionalization, Indians seeking such programs often are told by Federal officials to seek funds through State or local channels. Please comment on this.

A. This question sets a premise in very nonspecific terms. Due to lack of specificity, no comment can be addressed to the premise.

The LEAA program considers the Indian reservations as units of general local government, and as such they receive the same treatment by ASJPA as any other unit of general local government (with the exception that we employ an Indian Planning Specialist). Nonreservation Indians share equally with all other residents of Arizona in the benefits that come from the LEAA program. (In addition, Mr. Brown stated that this complaint had no merit with regard to his agency and he was aware of no other State planning agency to which it applied.)

QUESTIONS TO AND ANSWERS FROM MR. HAWLEY ATKINSON, SPECIAL ASSISTANT TO THE GOVERNOR OF THE STATE OF ARIZONA ON THE FOUR CORNERS REGIONAL COMMISSION

1. QUESTION: Please describe the Four Corners Regional Commission, particularly those programs involving or affecting Indians.

ANSWER: The Four Corners Regional Commission is a Title V Commission authorized by the Public Works and Economic Development Act of 1965, as amended. The purpose of this Act is to stimulate economic development in regions of the country that are lagging behind the national average.

Two agencies were authorized to accomplish the objectives of the Act: Title V Commissions and the Economic Development Administration.

Through these agencies, federal funds, additional to those available through ongoing programs, were to be made available to States, or political subdivisions thereof, Indian Tribes, or private or public nonprofit organizations located within the designated regions.

In terms of the FCRC, the bulk of additional federal funds are in the form of a supplement to grants extended by basic federal grant agencies such as Housing and Urban Development, Farmers Home Administration, etc. For our purposes, a basic grant agency is any federal agency that administers a federal grant-in-aid program that was enacted prior to December 31, 1969. The Economic Development Administration was designated a basic grant agency, rather than supplemental, such as is the case for the Title V Commissions. Hence, a basic grant by EDA can be supplemented by a grant from the Four Corners Regional Commission. The Bureau of Indian Affairs, however, is not a basic grant agency. Hence, their programs are not eligible for supplemental funding from the Four Corners Regional Commission.

In addition to the supplemental grant program, the FCRC also was authorized to establish a technical assistance program.

With respect to Indian Tribes, both grant programs are available so long as the applicant Tribe is located within the established boundaries of the Four Corners Region.

It is important to note that with respect to either supplemental grants or technical assistance, the availability of funds, as well as the eligibility requirements, are equal for Indians and non-Indians.

Hence, the Four Corners programs for Indians is precisely identical to programs for non-Indians and both are pursued to the maximum extent allowed by law.

There some built-in limitations, however, that restrict the extention of Four Corners Regional Commission activities to certain communities—both Indian and non-Indian.

First, for all practical purposes, the Four Corners Regional Commission does *not have first-funding* authority. That is, the Four Corners Regional Commission can only participate in a project that has received a grant from a basic federal grant agency. To the extent that a community or Tribe is unable to secure a basic grant, Four Corners Regional Commission participation is eliminated also. It must be noted, however, that it is our policy to extend every effort to aid the Indian Tribe in its search for the basic grant.

Secondly, with the exception of some EDA programs, the total federal contribution to a project is limited to 80%. Hence, the community or tribe must finance the remaining 20%. Depending upon local resources and the size of the project, the project idea must sometimes be abandoned for a lack of the required 20%.

A third limitation is that only those communities located within the boundaries of the Four Corners are eligible for grant assistance. This eliminates any supplemental grants from the Four Corners to the Colorado River Indian Reservation, Salt River Indian Reservation, Fort McDowell Indian Reservation, San Xavier Indian Reservation Maricopa Indian Reservation, Gila Bend Indian Reservation, part of the Gila River Reservation, and most of the Papago Indian Reservation.

A final limitation on the flow of Four Corners Regional Commission money to Indian Reservations is that EDA can often fund 100% of project costs.

2. QUESTION: What conferences or consultations have you had with tribal leaders regarding the proposals and programs of the Four Corners Regional Commission which might relate to them either directly or indirectly?

ANSWER: In my four years on Governor Williams' staff, my conferences and consultations with the Tribal leaders have been a continuing process.

A primary source for the dissemination of information as regards the Commission has been the Indian Development District of Arizona. The Indian Development District of Arizona is an Economic Development District funded by the Economic Development Administration, excepting the Central Office which is only partially funded by EDA. The five planning areas of IDDA are funded by EDA on a 75%—25% matching basis. Each planning area has a director and a planner. I have worked with each of these five planning areas and made available to each not only the services of the Four Corners Regional Commission but the services of the Governor's Office. (I have been a non-Indian member of the IDDA Northwest Planning Area for four years.)

The Central Office of IDDA is run by a Board of Directors whose membership consists of one representative from each of the 17 member Tribes. I attended a majority of the Board of Directors meetings over the past four years. My attendance at these meetings have been less the last two years—due to our deference to Tribal leaders' policy of self determination. My attendance has become more formalized either upon request of the IDDA Executive Director to attend for specific purpose or at my request for the same reason. My relationship and communication with the Executive Director and the IDDA staff has been constant and continuous. Governor Williams has made the services of his office available to the Executive Director and the Executive has made full use of these services.

For example, in the last few weeks the IDDA Prisoner Parole Rehabilitation Program ran into obstacles. IDDA contacted me and asked for assistance in opening up lines of communication with the Arizona Justice Planning Agency and the Arizona Department of Corrections. Both State agencies were agreeable to discuss the problems. Subsequently, meetings were held and the problem reconciled. This has been a reoccurring pattern of the relationship between the Tribal leadership and the Governor's Office. Most State agencies are not subject to control by the Governor—the power of the Governor is principally that of persuasion. Where there has been a desire of Tribal leadership to establish lines of communication with State agencies or solve specific problems, the Governor's office has arranged the initial meetings between the agency and the Tribal leadership, IDDA, Inter-Tribal Council, etc. After the initial meetings the State agencies and the Indian leadership have maintained their avenues of communication and continued to work with each other. Arizona is fortunate in having Indian leadership that recognizes many of the Indian problems extending beyond Reservation boundaries and acting for further integration of the Indian and non-Indian communities.

A new link in the communications chain between the Governor's office and the Indian leadership has just been established. The Governor's Advisory Council on Intergovernmental Relations (ACIR) has been expanded to include the President of Arizona Inter-Tribal Council. This new position on the ACIR will have a vertical effect on increased communications between the Indian and non-Indian communities. It also involves the private sector of Arizona. The purposes of ACIR are:

1. Develop long-range policies to assist the State and local agencies in meeting their common or individual problems.
2. Provide direction to the State and local planning agencies.
3. Inform and advise the Governor and Legislature respecting

the Council's activities and recommend policies and programs for meeting selected problems.

4. Review the allocation of governmental services and resources between the State and local governments.
5. Develop methods of communication and cooperation among the various governmental agencies.
6. Serve as a sounding board for new ideas and recommend practical innovations.

Hence, with the appointment of the President of the Arizona Inter-Tribal Council, the Indian Tribes are officially represented in the deliberations of this body.

Another important line of communication instituted by Governor Williams was the establishment of Arizona Indian Centers, Inc. This organization is funded by the Four Corners Regional Commission to determine the need and location of Urban Indian Centers and to write a standard operating procedure for these centers, and upon determination of need and location, to help the designated communities to establish an Urban Indian Center. The Board of Directors of Arizona Indian Centers, Inc., is composed of five Indians and four non-Indians. The professional staff is Indian. The organization has been funded for three years.

Governor Williams is an *exofficio* member of the Arizona Commission on Indian Affairs. He appoints the members of the Commission which by law are five Indian members and two non-Indian members. This Commission is an effective link in the avenues of communication between the Governor and Tribal leadership. It is also an important link between State agencies and Tribal leadership. I am the Governor's representative to the Commission and regularly attend the meetings.

The Arizona Department of Economic Planning and Development, an arm of the Governor's Office, has recently established an Indian Desk to assist in economic growth on Indian Reservations.

3. QUESTION: What percentage of Arizona land is tribal land?

ANSWER: The Indian Reservations are 27% of the land ownership of Arizona. The following is a detailed breakdown:

	Acres	*% of Total*
Federally Owned Lands	32,336,577	44.49%
Indian Reservations (Federal Trust Lands)	19,623,399	27.00%
State Owned Land	9,593,589	13.20%
Privately Owned Land	11,126,755	15.31%
TOTAL	72,680,320	100.00%

4. QUESTION: We recognize that this tribal land is not tax-generating for either State or local governments; therefore, what

bearing does this have on State and local programs available to reservation Indians?

ANSWER: Tribal land in itself is not tax-generating for either State or local governments; the people who live on Tribal lands are tax-generating and are so considered.

The Governor's Office and the Four Corners Regional Commission response to requests from the Tribal leadership is in no way affected by the tax status of the Indian Reservations. The State of Arizona is striving for the integration and cooperation of the Indian and non-Indian communities to solve the problems common to both communities. The Governor's Office serves all citizens on an equal basis and tax generation is no criteria for support.

There are many State agencies and it may be that because of Federal law or State law that the tax status of the Indian Reservation does affect services. I cannot recall any instance where any Indian Reservation has asked for the assistance of the Governor's Office in the resolving of a problem, that it said assistance has not been rendered. This is not to say that the solution has always been favorable.

5. QUESTION: What assistance, technical or otherwise, has your office provided to Indian tribes?

ANSWER: In 1967, Governor Williams directed the Four Corners Regional Commission to assist the Arizona Indian Tribes in their economic development—to work with the reservations in the Four Corners Region of Arizona—to establish the type of economic growth which the Indian leadership, itself, wanted. Not an economic growth that was based on what the non-Indian felt should be on the reservation but economic growth that was desired by the Indian people themselves. This program was immediately put into effect.

In FY 1968, the following two construction projects were funded:

1.) Construction of a water line on the Hualapai Indian Reservation to permit expansion of the Tribe's cattle herd by 700 head. The Commission contributed $12,600; the Tribe, $8,400; and the Agricultural Stabilization Conservation Service of the United States Department of Agriculture, $21,000. Total cost of the project was $42,000.

2.) Rehabilitation of the irrigation system in the Supai Canyon of the Havasupai Indian Reservation. The Commission contributed $4,500; the Tribe, $3,000; and the Agricultural Stabilization Conservation Service of the United States Department of Agriculture $7,500. Total cost of the project was $15,000.

3.) Further, in 1968, a $72,000 technical assistance grant was made to establish a central office of the Indian Development District of Arizona.

The Indian Development District of Arizona, commonly known as IDDA, was established in 1967 at the instigation of Governor Williams. Governor Williams directed his Staff Administrator, Stan Womer, to make the necessary arrangements, necessary coordinations, to establish an economic development district soley for the Indian people in the State of Arizona. The first steps in this were taken in cooperation with the Bureau of Indian Affairs, Industrial Development Department. Funds were obtained from EDA to create an Indian Economic Development District comprised of five planning areas. This included all of the Tribes in Arizona excepting the Navajo and did include one California Tribe, the Quechans. The primary charge of the director of each planning area was to assist the reservations in its planning area to achieve the economic development which its leadership desired. Each of the Tribes had varying ideas on what type of economic development they wanted created on their reservation and the employees of IDDA were strictly instructed to adhere to the wishes of the Tribal leaders.

When Governor Williams, with the cooperation and assistance of the Bureau of Indian Affairs and the Economic Development Administration, interested these 17 Tribes in establishing an economic development district; it was unique. For many of the Tribes it was the first cooperative effort between the various Tribes in Arizona to acheive any common goals. IDDA is truly a unique organization and there is none like it in the rest of the United States. Since IDDA has been established, there has been a commonality of interest established amongst the Tribes that never existed before. There has been a cooperation and a coordination of their efforts that never existed before. And there have been unselfish acts upon the part of the larger Tribes to assist those Tribes which are not so fortunate in location of their reservation lands and their natural assests.

The Indian Development District of Arizona has been responsible for over $14 million being spent in the furtherance of economic development on Indian reservations. In FY 1972 the expenditures themselves were over $5 million. So from this concerned Governor who dreamed of an Indian people having their own economic development district has come a flow of over $14 million to achieve this ambition. The Four Corners Regional Commission has never had the financial capability or capacity of assisting the Indian Reservations with the same type of vast funding that EDA has. But every effort has been made to use these funds on selective basis that would assist the Indians in special projects which were badly needed by them.

4.) In FY 1969, Governor Williams again requested and received $72,000 from the Four Corners Regional Commission for the Central Office of IDDA. Without this $72,000 grant the Central Office would not be in existence to supply and supplement the vital work that was not taking place in the planning areas.

5.) Further, in FY 1969, a supplemental grant for construction purposes was made to the Navajo Tribe for the Chinle Nursing Home. The Four Corners Regional Commission funds for a total $105,000; HEW funds $459,313; State and local funds $639,000. The total cost of the project was $1,203,313.

6.) FY 1970 again saw the Four Corners Regional Commission take an active part in the development of the Indian Reservations in Arizona. Under the direction of Governor Jack Williams, the Navajo Tribe received for its Navajo Tours, $18,711.

7.) The Indian Development District of Arizona, IDDA, again received a large Four Corners technical assistance grant. This year the grant was $47,500 to assist the Central Office.

8.) Further, in FY 1970, a modern mobile library bookmobile was put into operation on the Navajo Reservation. This mobile library bookmobile was funded by the State of Arizona for $25,000 and by the Four Corners Regional Commission for $25,000. This socio-economic technical assistance project was highly received by the Navajo Tribe and has been enthusiastically requested since.

9.) Another project that indirectly concerns the Navajo Tribe and the White Mountain Apache Tribe was the Pine Stump processing project funded in the amount of $44,000 in FY 1970 and in the amount of $10,000 in FY 1971. This project is to recover turpentine in Naval Stores from the pine stumps that have been left in the ground throughout Northern Arizona and New Mexico. It is to be hoped that an industrial plant to recover these products will be established in Northern Arizona in the very near future and will be a large employer of Indian people.

By the end of 1970, it was obvious that progress was being made on the Indian Reservations. There was still a long way to go but the progress was there. It was also evident to Governor Williams that there was another segment of the Indian population that had been forgotten. Those Indians, who for reasons of their own, had left the reservation and were endeavoring to make their way in an non-Indian world—the urban Indians of Arizona. In 1970, Governor Williams directed his staff to contact urban Indian leadership and concerned non-Indians to endeavor to come up with a plan to establish a system by where the Four Corners Regional Commission could assist urban Indians of Arizona.

Particularly those Indians in the Four Corners Regional Commission Region. This was the beginning of the birth of the Arizona Indian Centers, Inc., a group of Indians and non-Indians who are dedicated to the concept of assisting the urban Indian to create a better social and economic life for himself. There was only one request that the Governor made to this group of dedicated men beyond that of accomplishing their mission and that was the leadership must remain in the hands of the Indian people to achieve the goal which was so eagerly sought by himself and by the board of directors of the Arizona Indian Centers, Inc.

10.) Arizona Indian Centers was funded for $35,000 in FY 1971 and it was a most worthwhile investment. For those who really like to delve into the details of what the Arizona Indian Centers, Inc., has accomplished, there are many written records to substantiate the remarkable success of this organization.

Further, in FY 1971, the Gila River Career Center which is located at Sacaton, Arizona, and primarily serves the Indian people of Pinal County, was established. It has been doing an excellent job in career.

11.) To assist the Career Center in the evaluation of their work, an $18,356 grant was given to the Arizona State Employment for an Occupational Demand Study in Central Arizona. Further, in relationship to not only the Gila River Career Center but to other career centers, a grant for $29,000 was made to the Vocational Education Department of Arizona to assist in the evaluation of locations and need of other career centers throughout Arizona particularly as related to the Indian Reservations. Field individuals hired under this grant also directly assisted the Gila River Career Center.

12.) In FY 1971, further supplemental grants were made to Indian Tribes of Arizona. To the White Mountain Apache Tribe for the construction of what is called the White River Bridge which is vital to the operation of the Fort Apache Timber Company. A Four Corners Regional Commission grant was made in the amount of $100,000; the basic grant from EDA was in the amount of $260,800; the State and local portion was $90,200. For a total cost of $451,000.

13.) A grant was made to the Navajo Tribe for a new construction of the Navajo Rehabilitation Center in the amount of $120,000; the basic grant was $100,000; State and local funds $130,000; for a total cost of $350,000. (You will remember that in FY 1969, Governor Williams had the Commission grant the Navajo Tribe $105,000 for the Chinle Nursing Home. The Chinle Nursing Home and the Navajo Rehabilitation Center are coordinated projects both located in Chinle, Arizona, on the Navajo Reservation.)

Before we list Arizona's FY 1972 Four Corners Regional Commission projects which Governor Williams requested for the Arizona Indian people, it would be appropriate to mention that at the instigation of Governor Williams and other Governors of the Four Corners Regional Commission, other monies have been spent in support of the Indian people in the Four Corners Region. One of the most important expenditures of funds was in the amount of $50,000 to the Navajo Tribe in relationship to the Navajo Farm Training and Crop Production. The Navajo Tribe has a large irrigation project which has been taking place over the last few years and will be progressing through at least four more years. This project will enable the Navajo Tribe to enlarge its irrigated land by over 100,000 acres which would provide untold employment opportunities to the Navajo people. It will also create a center of wealth in the Four Corners Regional Commission area.

In FY 1972 Governor Williams funded through the Four Corners Regional Commission the following Indian projects:

14.) $11,000 to Indian Development District of Arizona for the operation of its Central Office. (Also Governor Williams directed that the Four Corners Regional Commission request three employees from the Emergency Employment Act which would be for the Four Corners Regional Commission Office and then would be assigned to IDDA; this has been done.)

15.) A Technical Assistance Grant to the Navajo Tribe of $77,000 for ambulance service on the Navajo Reservation. This is the part of the emergency medical services which is taking place throughout Northern Arizona.

16.) The Hopi Tribe received $46,880 for irrigation and range management projects on the Hopi Reservation.

17.) The Navajo Tribe requested funding for the Western Apprenticeship Council to establish an apprenticeship program related to the Navajo Generating Plant at Page. Governor Williams requested and received from the Four Corners Regional Commission a $27,500 technical assistance grant to assist the Indian people to take advantage of the employment opportuntities created by the generating plant, the coal mining and the transportation of the coal to the Page plant.

In FY 1973 the following Indian projects have been recommended by Governor Williams to the Four Corners Regional Commission:

18.) Arizona Indian Centers—$35,000—FY 73 is the third year this organization received Four Corners Regional Commission funding. The purpose of the Centers is to help ease the transition of those Indians who translocate from a rural reservation to an urban way-of-life.

19.) Gila River Career Center—$19,104—The purpose of this grant was to lease data-entry equipment for the Career Center whose objective is to train Indians in the Sacaton area for stable employment opportunities within the data processing field.

20.) Gila River Indian Community—$14,135—This grant was to provide funds for a management trainee program. The recipient of this training would assume general management of the 51% Indian owned FM4 Corporation which employs many of the graduates of the Gila River Career Center.

21.) Indian Development District of Arizona (IDDA)—$25,000—The grant provided in FY 73 was the sixth year the Four Corners Regional Commission has funded IDDA.

22.) Kitsillie—$25,000—This grant was for the purpose of converting surplus trailers into permanent classrooms at Kitsillie on the Navajo Reservation.

23.) Fort Mohave Indian Reservation—$30,000—This grant will provide an irrigation engineering study required by the Bureau of Reclamation as a requisite for a loan up to $5,000,000 that will bring 10,000 acres under cultivation.

24.) Kaibab-Paiute Indian Tribe—$25,000—This grant is to determine the quantity and quality of water resources in a known water field. The knowledge gained by this study will permit the Tribe to formulate specific designs for its economic development programs.

It is my opinion that the attitude and response of the Governor's Office to the requests of the Tribal leadership is as important as any project we have initiated in support of the Indian Reservation and Tribal leadership. There is no monetary value which can be placed on the harmonious working relationship that have been established between the State agencies and the Tribal leadership.

6. QUESTION: Commission staff members have been told that Arizona Indians are not adequately represented on the planning bodies that are responsible for the distribution of Federal program funds throughout the State. Would you please comment on this?

ANSWER: Your question is not clear to me. We have made an effort to place Indians on Advisory Councils. There has been an Indian on the Governor's Advisory Council for the Aging for many years. At this time there is a vacancy on this advisory council awaiting the recommendation of the Navajo Tribal Chairman, Peter MacDonald, of a person to fill the vacancy.

There has been little or no request by the Indian Tribal leadership to appoint Indians to Commissions. To the best of my memory, I do not remember a request to appoint an Indian member to a Commission or an Advisory Council, excepting the Arizona Commission on Indian Affairs.

EXHIBIT NO. 1

COMMISSION ON CIVIL RIGHTS

ARIZONA AND NEW MEXICO

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on November 14, 1972, and that executive sessions, if appropriate, will be convened on November 14, 1972, to be held at the Albuquerque Convention Center, 401 Second Street NW., Albuquerque, NM; and on November 17, 1972, at the Phoenix Indian High School, 45 East Midway, Phoenix, AZ. The purpose of this hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin regarding the living conditions, the educational opportunities, the employment opportunities, the opportunities for adequate health services, the administration of justice, and the protection and preservation of water resources as they affect American Indians residing in the States of Arizona and New Mexico; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as they affect the educational opportunities, the employment opportunities, the health care opportunities, the administration of justice, and the protection and preservation of water resources as it affects American Indians in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of employment, education, health care, the administration of justice, and the preservation and protection of tribal water rights and related areas.

Dated at Washington, D.C., October 6, 1972.

THEODORE M. HESBURGH,
Chairman.

[FR Doc.72-17438 Filed 10-12-72;8:45 am]

*EXHIBIT NO. 2**

* Entered into the record during Executive Session.

EXHIBIT NO. 3

URBAN INDIAN PROJECT

I. INTRODUCTION

In 1970, the Phoenix Indian Center, realizing the need for a larger agency to deal with the many problems of the Phoenix Urban Indians, submitted to the United Fund a proposal for a demonstration project. Prior to this proposal the Indian Center had been operating on a budget in the neighborhood of $8,000.

The Indian Center, was able then, to obtain a $100,000 grant from the Indian Desk of the Office of Economic Opportunity. This money was funneled through the LEAP (Leadership Education for the Advancement of Phoenix) Organization, who administer the funds. The Community Council, in their efforts to assist the Indian community brought together Indians representing different Indian organizations, who formed the Urban Indian Project.

The basic purpose of the project was to provide information for the non-Indian community about problems and needs of the Urban Indian and make recommendations to the appropriate agencies, both voluntary and governmental, as to the ways and means to meet these needs.

It soon became obvious that although, the need was known in this area, there was no comprehensive study or plan for the Phoenix area.

This led to the appointment of the Ad Hoc Committee, to determine how a comprehensive plan could be accomplished, to develop a proposal for a research project; to collect infor-

EXHIBIT NO. 3 (Continued)

mation to assist in the planning of programs for the Urban Indian. The committee met several times with representatives from the National Indian Training and Research Center.

In May 1971, the Community Council entered into a contract with the National Indian Training and Research Center, to conduct a study; the ultimate focus of which would be an action research project proposal.

In October 1971, Phase I of the study was completed and submitted. Phase I contained background information on similarities on Urban Indian experiences, trends, compared differences and highlighted the issues involved in American Indian Urbanization.

Phase II of the Phoenix Urban Indian Study is now complete. Phase II of the study is focused entirely on the Phoenix Urban Indian community. The thrust of the study has been aimed at determining the major topics and themes, so as to pinpoint the issues of importance in Urban Indian life. Phase II was conducted with the hope of accomplishing this end.

EXHIBIT NO. 3 (Continued)

II. METHODOLOGY

A. **Staff:** Coordinator of Phase II - Sidney Beane
Director of Internship at Cook Christian Training School, Tempe, and also a member of the Ad Hoc Committee.

Researchers: Gus Greymountain and Wes Martin of the National Indian Training and Research Center.

Volunteer Workers:
Liberal Jackson
Floyd Bringing Good
Kent Track
Sam Scott

B. Data-Gathering

The primary process employed was interviewing. During the three months time on Phase II of the study, over 40 persons were interviewed including numerous organizations, agencies, and departments within the city and state governments.

Emphases was on seeking out varied opinions and feelings on issues concerning the Indian community. Efforts were made to up-date existing statistics if available and if not available (which was often the case), whenever possible research was conducted in order to provide some useable knowledge of the subject or area. Time was also spent talking to Indian people within the community.

C. Progress Report

On January 13, 1972, the Phase II progress report was submitted to the Ad Hoc Committee. In attendance were:

Gregg Goggin - Community Council
E. Johnson - Phoenix Indian Center
Liberal Jackson - Volunteer Worker
Floyd Bringing Good - Volunteer Worker
Paul Klores - Community Council
Kent Ware, Sr. - Arizona Indian Centers, Inc.
Angie Torres - Arizona Civil Rights Commission
Sid Beane - Cook Christian Training School
Lem Ignacio - Center of Community Change
Bill Street - Tri-C Community Council

EXHIBIT NO. 3 (Continued)

The progress report was given in the form of a brief presentation on the results of interviews up to that date. The Items that were discussed were:

1. Existing organizations not representative of the Indian Community.
2. There is a controversy revolving about the Phoenix Indian Center. This controversy has brought about a tenseness in the Phoenix Indian community, especially between organizations. However, it was also expressed that the center was doing a better job than ever before.
3. Phoenix Indian Center is fulfilling a much needed service but there is also a need for a larger organization to work with that portion of the Indian community, in need of services in other areas such as community organization which will be strong enough to address itself in issues such as discrimination, employment, housing and health. The need for a coalition was expressed many times.
4. There is a need for a job index, which would provide an up-to-date listing of skilled and/or Indian professionals in Phoenix. This could be kept in an Information Center for which there is also a need.
5. Communications between organizations are poor.
6. More youth involvement is needed.
7. "Grass-roots" people are not aware of or very involved in the community services.

III. SCOPE

The survey focused primarily on the Phoenix Indian community. The survey did not intend to study problem areas in depth, but to gather existing data as compiled by various agencies. In depth research should follow.

In terms of location, there is no central Indian community, only concentration of Indians, the four principal areas being:

1. Downtown Phoenix - Along Van Buren from 35th Ave. - 24th St.
2. Indian School Rd. - 7th Ave. to 16th St.
3. Scattered families in between the above mentioned areas
4. The Glendale - Sunnyslope area.

When reference is made to the "Phoenix Indian community", this includes Tempe, Mesa, Scottsdale, Glendale. This study has also taken into account the transient population and the nearby reservations (Salt River, Gila River, Maricopa).

The BIA, Indian Health Service, state government agencies as well as city government agencies were among those contacted. In the case of the before mentioned emphasis was placed on the city government.

Indian organizations, churches, schools, businesses, and community people were interviewed. This in order to obtain as wide a spectrum of Indian community life as possible. Professional as well as blue-collar workers, established, middle-class Indians as well as the transient, down-on-his-luck type.

Opinions, experience and recommendations, were asked for and obtained, all of this in order to obtain as accurate a picture as possible. Many times we could not obtain accurate

EXHIBIT NO. 3 (Continued)

up-to-date statistics on Indian people. These statistics are needed and more in-depth studies should be made and appropriate agencies should be encouraged to gather statistical data on the off-reservation Indian population.

EXHIBIT NO. 3 (Continued)

IV. NEED

The need for a coalition of community organizations, with maximum involvement and input from the community, for the community is of the utmost importance and should have the highest priority. Because of the lack of an organized Indian community, there is a distinct lack of a sense of community with which the Indian people can identify.

The Indian community because they have no strong voice are often passed over and ignored by the city government when it plans programs, employment, etc.

To realize the potential of a united Indian community organization, one has only to look at the Mexican-American coalition (Valle Del Sol) and the Black community. These two ethnic groups have made great strides forward, but only after organizing.

The Mexican-American coalition is composed of many different organizations from all elements of the Chicano community. Conservative, progressive, social, political, educational, youth groups, and when they have their differences, they keep them inside the coalition and settle it among themselves. There are no phone calls made to the mayor's office, when one organization attacks another. An organized community would prevent duplication of services by various organizations. A blanket organization is needed which would include representatives from all the Indian groups in Phoenix, to quote an oft used phrase "in unity there is strength".

EXHIBIT NO. 3 (Continued)

V. COMMUNITY ISSUES

The absence of a definable Indian community with an organization to speak for it, creates powerlessness to deal with political-social issues. This was amplified in the matter of Urban Indian Health which just recently became an issue. The community had to go about calling meetings, organizing, electing officers, etc. This lengthy process could have been avoided if an organication had been in existence to deal with just such issues.

There are other issues affecting the Phoenix Urban Indian community. In areas of employment, education, and discrimination. For such political issues, a strong independent organization is needed, non-dependent upon city funds or governmental funds, free to move, to take action without being manipulated by agencies such as LEAP and without fear of having funds cut off.

This study also included looking about for monies to fund such a coalition and funds are available. The opinion has been expressed that it is too soon for a coalition. It is our belief that it is better to be too soon than to be too late. There is a danger that if we wait much longer that some people in the community will be "turned off" completely from participation in any type of organization, simply because the ones now in existence have done little or nothing. It is almost summertime and who will speak for the youth? Who will help them to find employment and recreation? Youth involvement is but one of the issues affecting the community. Foremost is the need for a strong political-economical power base with which to deal with the immediate problems and the source or reason

EXHIBIT NO. 3 (Continued)

for the existence of such. In the words of an official for the city's planning department, the reason for the failure of the city to take into consideration the city's Indian population in it's planning is, "Indians haven't been putting any organized pressure on the city government."

VI. FINDINGS

A. Employment

The state employment office does not have anyone to work directly with Indians. Very few statistics on Indians living in metropolitan Phoenix are available. The Phoenix Indian Center does have a job bank which plays a tape every day on jobs available. It does manage to place some people in jobs, how many we do not know.

The city government of Phoenix, in 1970-71 employed 51 American Indians out of a total of 5,413, approximately 9%. The majority of these workers were operative semi-skilled (28). There were no Indians in administrative or professional positions. Of the 51 Indians employed by the city, 32 of these work for Water and Sewers Department, this implies clearly that the city of Phoenix is practicing institutional racism. To cite a few departments where there are no Indians employed; city court*, fire department, human relations**, city manager's personnel***, planning, police*, and public housing.

* There are only 2 Indian policemen now on the police force, and at last word, one in the academy. There are no Indians working with the courts. The percentage of Indians going thorugh the court, and then to jail, is high. There are no Indians employed by the Police Department, in their correctional facilities; These facts point out only too clearly that something should be done by someone and it's pretty obvious that the city is not

going to do anything about it unless organized pressure is applied.

** The Human Relations Commission is carrying on a Own-Recognizance Program in the city court every day to interview prisoners and determine who without funds to post bail should be let free on their own recognizance, rather than plead guilty and accept a jail term. They agreed to our committee of 5 that they would attempt efforts at making a position available in which an Indian person would be given priority. These efforts failed because Glenwood Wilson, prominent Cherokee, took ill.

*** The same tactics worked quite well for us with the city's EEO Officer in Personnel. Going together as a group representing the Phoenix Urban Indian Project and the ASU Indian Alumni Association, we confronted the Personnel Officer and inquired as to why there wasn't an Indian working there when obviously the need was apparent. They agreed to hire one. These incidents carried off only by four or five persons, are cited only to demonstrate that a political power base, is needed to act in behalf of the Indian community. One can imagine how many changes could be effected by a strong organization with community backing.

EXHIBIT NO. 3 (Continued)

B. Alcoholism

The law enforcement agencies of Maricopa County and the city of Phoenix, arrest some 7,000 Indians annually for charges such as Drunk and Disorderly, Driving While Intoxicated, and drinking under age. Statistics of the city court's department reveal that 25% of all males arrested for liquor related offenses are Indian and 50% of the women arrested for the same offenses are Indian. (In spite of the high percentage of contact with police, the Phoenix Police Department employs only 2 Indian officers.) Indian people account for, at the most, 2% of the city's population. The Indian is one of the smallest minority groups in Phoenix and yet one that has the greatest problem. These figures affect each and every Indian in Phoenix, directly or indirectly. Therefore, we should concern ourselves with the situation, and determine where our efforts will be best put to use.

Of the 7,000 Indians arrested annually, many are visiting Indians from outlying reservations, who come to the city and are locked up for being drunk at least once and possibly many more times, before they leave.

Some of these Indians, it is known are victims of bartenders who are not exercising their responsibility of cutting off Indian customers, who have had enough to drink; as long as they have the price of a drink they will be served. Others are victims of promotion-seeking police officers, simply out to bust as many people as they can.

EXHIBIT NO. 3 (Continued)

These and other factors manifest themselves in the situation we have before us, namely, the problem of the Indian with the habitual drinking arrest record and the city's inability to cope with the situation.

Presently, in Phoenix, there are several alcoholism programs available for Indians to participate in. The only one for Indians is at the Phoenix Indian Center, its degree of success is not known by the writer. The Phoenix Indian Medical Center does not offer anything in the way of a detoxication center which is sorely needed at this time. PIMC only treats alcoholism when a patient is admitted suffering from some other disease or injury, and alcoholism. The facilities are just not available at the PIMC.

The city should explore the feasibility of a detoxication treatment center at the compound for those persons repeatedly arrested on drunk charges both Indian and non-Indian. Such a project should include counseling by Indian personnel.

A meeting was held on January 13, 1972, of various agencies and resources in Maricopa County concerned with the problem of alcohol abuse and alcoholism, to discuss this matter in relation to services (or lack of) provided for Indians residing in Phoenix. The needs were discussed and it was pointed out that there was a very definite need to unite and coordinate efforts in seeking funds and developing a successful program treatment of Indian alcoholics.

From this group the Phoenix Urban Indian Alcoholism Coalition, was formed and a committee was appointed to gather existing data and to invite the participation of other groups. The information that was gathered was to be used to write a proposal for funding of an Indian Halfway House.

Progress has been slow for the Alcoholism Coalition, St. Luke's Hospital and the Indian Health Service have been the two most concerned with making the Indian Halfway House a reality. As the Indian Center has an Indian alcoholism program on-going and does have an outreach worker, their input is very much needed, as surely by now they have developed some expertise and are concerned.

C. Education

The Phoenix Urban Indian seeking education for himself and his life must depend upon the state, county, and city public school systems. There are some vocational training programs for the general public which the Indian may take advantage of such as MDTA. Special adult education classes are available at the Phoenix Indian Center, how successful or what the participation has been is not known.

In the Phoenix Union High School Systems the number of Indian students is 40[illegible]. The only reason that these statistics are available is because the schools are required to submit the number of American Indian students attending, in order to request JOM funds to supplement the school budget. The JOM Act passed provides money for Indian education. Money under that Act is to be spent only for Indians.

EXHIBIT NO. 3 (Continued)

Indian children bring millions of Federal dollars each year into public school districts. Indian children are counted 3 times under 3 different statutes, in order to make a school district eligible for Federal funds. These funds are supposed to support both the basic educational program in Indian schools and special programs designed to meet the unique needs of Indian children.

This is the legal framework. But, what really happens to the money? How are Indian children faring in Phoenix public schools?

These are questions that need to be answered, and yet one can almost with complete certainty say that enough is not being done with the Federal monies to promote the education of Indian children.

Recently the Chicano coalition and the Black community through organized efforts brought enough pressure to bear upon the PUHSS, that the school district agreed to hire employees on a percentage basis. The percentage corresponding to the percentage of Blacks and Chicanos enrolled in the school. There are considerable differences in the cultural backgrounds of these two ethnic groups and that of the Indian, this we know. However, this is only mentioned to cite the fact that organized pressure can bring changes.

More in-depth study is needed in this area. There are few statistics available.

There is a substantial number of young people attending trade schools or junior colleges, under programs sponsored by the employment assistance branch of the BIA. There is little that is offered to these students in the way of recreation, most are here from reservations and the only places for them to go to meet other students are to bars frequented by Indians.

Both the junior colleges and Arizona State University have Indian clubs, these students are concerned and wish to become involved in the community. These young people should be encouraged to participate and become involved. The effect that this would have on the Indian community could only be good. More efforts should be directed to meet this need.

D. Health

There is very little information available on health problems concerning the Urban Indian community. Most of the Indian people make use of the Phoenix Indian Medical Center, of late, however, there have been rumors circulating of the intention of the IHS to make certain urban Indians ineligible for service at the Indian Hospital. This issue brought together a large number of Indian people who organized to protest their right to medical services at the Indian Hospital.

As tax paying citizens, Indian people are eligible for medical treatment at the county hospital, but it has long been the policy of the county hospital to refer all Indians to the Indian hospital. Therefore, if certain Indian people are denied medical treatment at the PIMC because they are "urban" Indians, this would indeed create a critical situation.

In the very near future the outcome of this issue may create more problems for Indians residing in urban areas. However, because they have organized, the Indian community's position is much improved.

City health agencies have stressed the need for a detailed study to be done on the Indian population of Phoenix, so that they can include Indians in their program planning. It is not known what the healtn needs of the Indian community are.

Also in Phoenix there is a need for a program aimed at helping Indian youth to become more aware of alcohol and drug abuse. In speaking to an officer within the Phoenix Police Department, this need was brought out and ways to meet it were discussed. The Phoenix Police Department would be willing to work with any youth or other group interested in preventing alcohol and drug abuse among young people. This is a definite need, and cannot be over emphasized.

B. Housing

There is very little information available on the housing needs of Indians in Phoenix, except that there is a need for a housing specialist to deal directly and specifically with this problem. The city of Phoenix, in their low-income housing projects have approximately 30 Indian families, with 3 families (out of a total of 700 applicants) on the waiting list. The reasons for the low

EXHIBIT NO. 3 (Continued)

number of Indians participating in the city's low-income housing projects, are not clear. However, it is known that Indians prefer to live among Indians and that the projects are either predominately Black or Chicano. This hesitancy among Indians to assimilate, would be a major factor to take into consideration when planning future housing projects for Indians (if ever).

The Phoenix Indian Cneter during the month of January, had 28 requests from Indian people for housing. They are not equipped to handle the housing problems of Phoenix's Indian population, however, a housing specialist could be very useful working with or out of the Indian Center.

F. Welfare

There were no statistics available for the city welfare department. The only available statistics are those for Maricopa County, and the figures we were given for Indian participants in the state welfare program was very low. Obviously, more study is needed in this area.

EXHIBIT NO. 3 (Continued)

VI. RECOMMENDATIONS

A. The survey concludes the lack of any adequate data on Phoenix Urban Indians problems from which to plan and develop comprehensive program solutions.

- We recommend an in-depth coordinated research effort into the designated problem areas surveyed in this report.

B. In conjunction with a coordinated research program the is further need for an organized community-wide communications and planning network.

- We recommend the expansion of the Urban Indian Project Committee as the mechanism for the development of such a network or coalition.

C. The survey concludes that the Phoenix Indian Center has currently the most comprehensive programatic approach to solving Phoenix Urban Indian problems as a social service agency.

- We recommend that further social service programs be planned and developed in relationship with the existing Indian Center.

D. The survey concludes the lack of any coordinated social action effort within the Urban Indian community.

- We recommend the proposed Indian community-wide network or coalition assume primarily a planning coordinating and social action approach to community problem-solving.

E. The planning and participation in the development of such a network should remain open to all interested Indian groups and organizations.

- We, therefore, also recommend the further utilization of the Committee approach, rather than presently incorporating as an organization.

EXHIBIT NO. 3 (Continued)

F. The survey concludes the necessity of employing a full-time Indian community organizer to carry-out under the auspices of the Urban Indian Project Committee the previously stated recommendations.

- We recommend the utilization of an agreed upon conduit organization to fund such a position.
- We further recommend that the Project Committee approach the existing Indian organizations, Community Council and United Fund for resources to hire a community organizer.

EXHIBIT NO. 3 (Continued)

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William Joe - Arizona State Employment Service

Angie Torrez - Arizona Civil Rights Commission

Milford and Jeannie Sanderson - Amerind

Rose King - Director, Phoenix Indian Center

Dorothy Allen - Phoenix Indian Center

Jim Hyslop - Phoenix Indian Center Board of Directors - Chairman

Curt Nordwall - Arizona Indian Centers, Inc.

Juana Lyons - Arizona State Employment Service

Capt. Doze Nelson - Phoenix Police Dept., Community Relations Officer

Henry Cabiroc - Human Relations, City of Phoenix

Jim Boozer - Human Relations, City of Phoenix

Rev. Joed Miller - First Presbyterian Church

Leon Ignacio - Center for Community Change

Dan Hopkins - Concerned Indians

Paul Klores - Valley National Bank

Manny Ballesteros - Phoenix Public Housing

Pat McGee - Indian Development Districts of Arizona

Grace McCullough - Indian Development Districts of Arizona

Rudy Paz - Personnel Officer (EEO) City of Phoenix

Eugene Wilson - Public Health Service, Phoenix Area Office

Sam DeCorsi - PHS-IHS, Phoenix Area Office

Joyce Neil - Maricopa County Hospital, Social Services

Jesse Sixkiller - Director, ACTION Agency

Cecil Corbett - Director, Cook Christian Training School

Vince Doyle - LEAP Center #1, Director

Kit Evans - Valley National Bank - CIRCA Committee

EXHIBIT NO. 4

presented to Phoenix Indian Health Board on
2-10-72.

Availability of Health Services
to Phoenix Urban Indians

To explain the status of Urban Indians in relationship to the services of the Indian Health Service is both confusing and difficult. Perhaps by following a sequence of a negative position to a positive position may be the most logical and understandable approach in explaining this matter.

The General Counsel's Office of the Department of Health, Education and Welfare has advised that individual Indians do not have entitlement to services provided by the Indian Health Service. The individual becomes eligible for health services through membership in a group, tribe or band for whom Congress has given the responsibility to Indian Health Service for providing health services." Congress has indicated the intent that Federal services be provided to Indians who reside on reservations (trust property)-- for which the Federal government has a trustee responsibility. Indian people, who by leaving the reservation leave the Indian group which is eligible to receive Federal services, are considered to no longer be within the scope of the Federal programs.

(Individual Indians as American citizens do have legal entitlement to services of a state provided to all state citizens similarly circumstanced. "Similarly circumstanced" means meeting specific criteria to receive services, such as, being indigent or medically indigent. In other words, some state services are not available to 100% of the state citizens, but are available to those citizens who are unable to obtain services through their own resources. This is, of course, another subject that would require

EXHIBIT NO. 4 (Continued)

extensive explanation regarding residence requirements, state means test etc.)

Several recent acts or actions confirm the position taken by the General Counsel's Office. The President's Special Message to Congress on Indians, Section 7, points out that Federal Indian services are for reservation Indians. (see attachment). The Congress on two occasions has in effect confirmed this position by specifically authorizing Indian Health Service to provide some health services to at least two Urban Indian groups residing in Rapid City, South Dakota and the Minneapolis-St. Paul, Minnesota

The Indian Health Service in the late 1950's, exercising the broad discretionary powers delegated to the Secretary of Department of Health, Education and Welfare, broke with tradition and began to identify drawing areas, service areas or patterns of Indian utilization of Indian Health Service hospitals and health centers. These service areas generally were much larger than the geographic boundaries of the reservations as they related to an area within which individuals travelled to get to an Indian Health Service hospital or clinic. Using the service areas or drawing areas concept, Indian Health Service then established Service Unit boundaries, and stated as policy that we would try to provide direct health services to all individuals who could be identified as being of Indian descent, and who resided within the boundaries of a Service Unit. Sometimes Indian Health Service even went further and stated that whenever possible we would try to provide services at IHS health facilities to Indian people who lived outside a Service Unit but who were able to present themselves to an IHS health facility.

EXHIBIT NO. 4 (Continued)

In the case of the new Phoenix Indian Medical Center, the justification presented to Congress to support the appropriation of funds to construct the new hospital was based on (1) the need to provide primary health services to Indians residing on reservations within the Phoenix Service Unit, and (2) to provide medical center referral facilities for the other Phoenix Area Service Units. The urban Indian population of Phoenix and other valley cities was not counted or included in the justification. Although the new Phoenix Indian Medical Center has followed established Indian Health Service policy, and provided services to all recognized Indians residing within the Phoenix Service Unit, including Urban Indians, the health needs of the Urban Indians cannot be used as a justification for increasing personnel, or for expanding the size of the Phoenix Indian Medical Center without specific authority from Congress. An additional application of the broad Indian Health Service policy was the acceptance of representation from the Urban Indians on the Phoenix Service Unit Indian Health Board.

Since the opening of the new Phoenix Indian Medical Center, the workload has exceeded that anticipated. This has been especially true for outpatient services and deliveries. A significant amount of the services have been provided to Urban Indians. For example, for the six months period January 1 through June 30, 1971, slightly over 58% of outpatient visits were made by individuals who gave as their residence one of five Valley cities.

If the Urban Indian population continues to grow in the Valley, and the request for services at Phoenix Indian Medical Center significantly increases, EXHIBIT NO. 4 (*Continued*)

it will become necessary to reestablish priorities for services to Urban Indians, thus limiting or eliminating such services.

Charles S. McCammon
Charles S. McCammon, M. D.
Director
Phoenix Area Indian Health Service

EXHIBIT NO. 5

September 22, 1972

PHX:EEO

Quarterly EEO Staff Report

Deputy EEO Officer, IHS Headquarters
ATTN: Mr. Richard Macy

PART I - PROFESSIONAL EEO STAFF

NAME	TITLE	GRADE	RACE	SEX	FULL-TIME
Cimino, Louis	HRDS	GS-11	A-IND	M	Yes
DeCorse, Samuel	EEOO	GS-12	"	M	"
James, Helen	HRDS	GS-7	"	F	"
Keevama, A. Timothy	HRDS	GS-9	"	M	"
Nelson, Wilma J.	SEC.	GS-4	"	F	"

PART II - CLERICAL SUPPORT

Nelson, Wilma J.	SEC.	GS-4	A-IND	F	Yes

PART III - EEO COUNSELORS (PART-TIME)

NAME	TITLE	GRADE	RACE	SEX	LOCATION
Juan, Richard	Nurse Asst.	GS-3	A-IND	M	Ft. Yuma
Wabaunsee, Al	P.H. Adv.	GS-12	"	M	Reno
Lomakema, Stetson	Sup. Asst.	GS-7	"	M	Keams Canyon
Durant, Randy	Cook	WG-6	"	M	Sacaton
Lacapa, Ann	R.N.	GS-8	"	F	Whiteriver
Kniffen, Clark	Cook	WG-6	"	M	San Carlos
Archuleta, Verdie	Secretary	GS-5	"	F	Area
Elvin B. Blackwater	Jan. Foreman	WS-01	"	M	PIMC
Kenneth Lunderman	Plt. Op. Supv.	WS-09	"	M	PIMC
James Webb	Cook	WG-08	"	M	PIMC
Mary B. King	Hlt. Educator	GS-11	"	F	Owyhee
Wilson Christensen	Med. Lab. Tech.	GS-7	"	M	Schurz
Lynford Carter	Maint. man	WG-03	"	M	Parker

Samuel DeCorse,
Associate Deputy EEO Officer

SD:wn

RACIAL DISTRIBUTION OF HSMHA EMPLOYEES - GRADE LEVEL AND SEX

Program: PHOENIX AREA, IHS

Report Period: June 30, 1972

	Black		Spanish Amer.		Amer. Ind.		Oriental		Other		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Comm'ed Corps %	0	0	2	0	1	0	4	0	147	15	154	15
GS 16-18 %	0	0	0	0	0	0	0	0	0	0	0	0
GS 14-15 %	0	0	0	0	1	0	0	0	5	2	6	2
GS 12-13 %	0	0	0	1	3	0	0	0	17	10	20	11
GS 9-11 %	0	1	1	0	18	7	0	0	39	62	58	70
GS 5-8 %	1	2	2	0	66	91	0	1	22	164	91	258
GS 1-4 %	1	0	0	0	2 87	302	0	0	4	19	92	321
Overall Total											421*	677

Report made by: (Signature)

*Does not include 47 persons on temporary construction positions

EXHIBIT NO. 5 (Continued)

EXHIBIT NO. 5 (Continued)

RACIAL DISTRIBUTION OF HSMHA EMPLOYEES - GRADE LEVEL AND SEX

Program: PHOENIX AREA-IHS

Report Period: AUGUST 1, 1972

	Black		Spanish Amer.		Amer. Ind.		Oriental		Other		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Comm'ed Corps %	0	0	2	0	1	0	4	0	147	15	154	15
GS 16-18 %	0	0	0	0	0	0	0	0	0	0	0	0
GS 14-15 %	0	0	0	0	1	0	0	0	4	2	5	2
GS 12-13 %	0	0	0	1	3	0	0	0	17	10	20	11
GS 9-11 %	0	1	1	0	18	7	0	0	41	65	60	73
GS 5-8 %	1	2	2	0	70	93	0	1	22	168	95	264
GS 1-4 %	1	0	0	0	103	321	0	0	4	19	108	340
									Overall Total		447	705

Report made by: ______________________
(Signature)

RACIAL DISTRIBUTION OF HSMHA EMPLOYEES - GRADE LEVEL AND SEX

Program: Indian Health Service, Phoenix Area

Report Period: September 1, 1972

	Black		Spanish Amer.		Amer. Ind.		Oriental		Other		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Comm'ed Corps %	0	0	2	0	1	0	4	0	147	15	154	15
GS 16-18 %	0	0	0	0	0	0	0	0	0	0	0	0
GS 14-15 %	0	0	0	0	1	0	0	0	4	2	5	2
GS 12-13 %	0	0	0	1	4	0	0	0	18	10	22	11
GS 9-11 %	0	1	1	0	17	7	0	0	41	64	59	72
GS 5-8 %	1	2		0	70	91	0	1	22	167	95	263
GS 1-4 %	1	0	0	0	99	326	0	0	4	19	104	345
										Overall Total*	439	708

Report made by:
(Signature)

*Does not include 59 persons on temporary construction positions, Office of Environmental Health.

EXHIBIT NO. 5 (Continued)

RACIAL DISTRIBUTION OF HSMHA EMPLOYEES - GRADE LEVEL AND SEX

Program: PHOENIX AREA-IHS

Report Period: October 1, 1972

	Black		Spanish Amer		Amer. Ind.		Oriental		Other		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Comm'ed Corps %	0	0	2	0	1	0	4	0	147	15	154	15
GS 16-18 %	0	0	0	0	0	0	0	0	0	0	0	0
GS 14-15 %	0	0	0	0	1	0	0	0	4	2	5	2
GS 12-13 %	0	0	0	1	4	0	0	0	18	11	22	12
GS 9-11 %	0	1	1	0	17	7	0	0	41	64	59	72
GS 5-8 %	1	2	2	0	70	93	0	1	22	166	95	262
GS 1-4 %	1	0	0	0	98	330	0	0	4	19	103	349
Overall Total											*438	712

Report made by ____________ (Signature)

*Does not include 58 persons on temporary construction positions, Office of Environmental Health

EXHIBIT NO. 5 (Continued)

EXHIBIT NO. 6

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
ROCKVILLE, MD. [illegible]

OFFICE OF THE
GENERAL COUNSEL

December 1, 1972

Mr. John H. Powell
General Counsel
United States Civil Rights
  Commission
Room 608
1121 Vermont Avenue, N.W.
Washington, D. C. 20425

Dear Mr. Powell:

During the testimony of Dr. Charles McCammon, Director of the Phoenix Area Indian Health Service, at the Commission's hearings in Phoenix on November 17, 1972, you requested information on the number of housing units operated the Indian Health Service, the manner of assignment, and the occupancy of the units by race and job. The enclosed data is submitted for inclusion in the record on behalf of Dr. McCammon in answer to these questions.

If we may be of further assistance, please contact us.

Sincerely yours,

James P. Weissenborn

James P. Weissenborn
Attorney Advisor
Public Health Division

Enclosure

EXHIBIT NO. 6 (Continued)

MANUAL INSTRUCTION 5-6.5A

Distribution: All Manual Holders (Lists I and II)

Subject: Quarters Management

1. Purpose. To implement policies and procedures prescribed by DHEW, Public Health Service, and Division of Indian Health for the management of Government Quarters and to prescribe the procedure for requesting assignment of quarters, processing and recording of assignments, and required termination procedures when quarters are vacated.

2. Policy. It is the policy of the Division of Indian Health to provide quarters only to commissioned or civilian personnel essential to the program on a 24 hour basis or required to live at a station because of remoteness, or to otherwise protect Government property. The Division of Indian Health cannot reasonably expect to secure approval of funds from the Bureau of the Budget and the Congress to construct quarters for every person it employs. This requires that a line be drawn as to those categories of personnel for whom the Division will ordinarily provide quarters. In this respect the following policies of the Division of Indian Health will prevail.

a. Living quarters will not be constructed or furnished for personnel who have or would normally provide themselves with housing accommodations in the community adjacent to the PHS facility, or if the employee has an established residence or a home of choice within one hour's travel time one way of the PHS facility (50 highway miles), unless the employee is required to live on the station due to reasons of essentiality. If any employees of this type are presently quartered in DIH housing they may retain occupancy until such time as the housing may be required for employees for whom it must be provided.

b. Housing will be provided for those employees who are eligible under the criteria cited in paragraph 3 titled, "Determination of Essentiality to Program". It is the desire, as far as possible, to prevent or alleviate hardships for such employees who are employed at a facility remotely located from their place of permanent residence.

3. Determination of Essentiality to Program.

a. No officer or employee shall be required to occupy Government owned or leased quarters unless considered essential to the program on a 24 hour basis.

b. The Service Unit Director of each respective field station will assign quarters, to the extent such quarters exist, to personnel occupying civilian and commissioned positions meeting the essentiality criteria in order of priority as provided below and in Exhibit 5-6.2(s).

(1) To provide housing accommodations to personnel essential to medical operations on a 24-hour basis.

PAGE 2
5-6.5A
9/2/66

(2) To provide housing for personnel essential to protect Government property.

(3) To provide housing for personnel who for reasons of remoteness or conditions of the community, could not otherwise be satisfactorily housed.
[illegible]

(4) Upon satisfying the above requirements, remaining housing may be assigned to non-local hires as determined in the judgement of the Service Unit Director to be in the best interest of the program.

c. In determining essentiality of personnel as outlined herein, the general criteria to be applied under established policy is that when private housing is available to fulfill the normal needs of the individual within a one hour's commuting distance one way (50 highway miles) the position, if not otherwise essential, he (she) will not be assigned Government quarters for the sole reason of isolation.

4. Area Evaluation Board.

a. An Area Quarters Evaluation Board, comprised of the following members, is appointed:

Deputy Indian Health Area Director
Chief, Area Pharmacy Branch
Chief, Area Administrative Services Branch (Chairman)

Alternates

Chief, Area Health Education Branch
Chief, Area Contract Medical Care Branch

A minimum of two members of the regular board shall constitute a quorum.

b. The Board shall, within prescribed quarters management policies and criteria, be responsible for making recommendations to the Indian Health Area Director regarding the designation of public quarters, rental quarters, the establishment of quarters rental rates, the determination of adequacy or inadequacy of public or rental quarters, the selection of those quarters inadequate for continued occupancy at the facility and other related responsibilities as assigned by the Indian Health Area Director.

c. To accomplish these responsibilities, the Board may authorize the use of private commercial appraisers to make appraisals and/or utilize Area Office personnel to make surveys and appraisals as required. The Board will also review when appropriate, the policies of other Federal Agencies in the same general area for the purpose of promoting a consistent local pattern of rental rates.

5. Assignment of Quarters.

a. Assignment of quarters to essential personnel is necessary and mandatory. It is necessary that certain positions, by title, be established for the purpose of assignment to quarters, these positions to take precedent over all others. Exhibit 5-6.5A(2) of this issuance sets forth the priority of assignment, however, any deviations from the official priority listing shall be approved in advance by the Area Executive Staff. [illegible] what authority [illegible]
[illegible]

b. Although Exhibit 5-6.5A(1) sets forth quarters designated by the Indian Health Area Director for occupancy by the Service Unit Director of each respective facility, the assignment criteria for a SUD will be governed by pertinent factors such as size of family, etc. (i.e. a bachelor officer will not normally be assigned to a 3 or 4 bedroom quarters). Also, an officer will not be required to change quarters should he be appointed as the SUD if his existing quarters are adequate for his needs. However, should an officer living in private quarters off the station be appointed as the SUD, he will be required to move on the station.

c. Procedure for Assignment of Quarters.

(1) Commissioned Personnel. All commissioned personnel (except Service Unit Directors), upon reporting for duty at a station, will submit to the Service Unit Director, a written request for quarters using Form PGS-61, "Request for Assignment of Quarters". The Service Unit Director will show in writing, in the appropriate space on the form, availability and assignment and brief description of quarters, or advice that adequate quarters are not available. All completed forms will be submitted through the Area Property Management Office to the Area Financial Management Officer within three days after reporting for duty. This action is required to support the officer's first pay voucher. The above procedures will also apply when reassignments occur. When a new Service Unit Director is involved, he shall execute the request for quarters assignment at the Area Office when first reporting for duty. The Property Management Section will prepare the necessary paperwork on request.

(2) Civil Service Personnel. In all instances, Civil Service personnel who occupy rental quarters, will immediately upon arrival, execute and submit Form PGS-61. The Service Unit Director will complete the form as appropriate.

(3) After execution and completion of Form PGS-61, when public or rental quarters will be assigned, such assignments shall be made only by use of Form HEW-337, "Quarters Assignment Record". The assignments, except for Service Unit Directors, shall be initiated and processed at the Field Facility in accordance with Exhibits 5-6.5A(8)&(9). The document flow on assignments and accompanying quarters requests (Form PGS-61) is clearly defined in these exhibits. Preparation of "Quarters Assignment Record", Form HEW-337, is explained in Exhibit 5-6.5A(6).

EXHIBIT NO. 6 (Continued

d. Criteria for Assignment.

(1) While not mandatory by regulation or otherwise, the applicant's family size should be considered to the extent possible in making assignments to either public or rental quarters. Generally, however, with due regard for the age and sex of dependents, the following criteria should be given serious consideration.

(a) Man and wife or single commissioned officer - 1 bedroom

(b) Man and wife with 1 or 2 dependents - 2 bedrooms

(c) Man and wife with 3 or more dependents - 3 bedrooms

(d) Senior Surgeon or above - 2 or 3 bedroom

(2) If a commissioned officer voluntarily occupies or chooses to occupy an available set of quarters whether adequate or inadequate, for his own personal convenience, such quarters shall be considered adequate public quarters for purposes of non-payment of any basic quarters allowance.

(3) When a set of quarters has been permanently designated for an employee by position title on the basis of priority of essentiality, but such quarters are vacated and it appears that they will remain vacant for an indefinite period, the quarters may be assigned temporarily to another employee having a different position title or lesser priority. The temporary assignee shall formally accept occupancy in writing with the proviso that upon notice of need of the quarters by priority personnel, the temporary assignee agrees to vacate.

6. Quarters Occupancy Responsibilities.

a. Occupants of Government quarters shall be held responsible for the proper care and occupancy of such quarters. The Quarters Officer or the individual having such responsibility will conduct an inspection of each quarters unit at least once every six (6) months to verify adequacy of the tenants housekeeping practices. A station committee of three shall be formed, consisting of the SUD or Administrative Officer, the Director of Nursing, and the Chief, Maintenance Officer, to perform these inspection functions. All tenants shall be advised of the inspection schedule. Any damage or excessive wear, or unsanitary conditions noted shall be brought to the tenant's attention for immediate correction. Any deficiency which has not been corrected by the next inspection time shall be reported to the Area Property Management Officer who shall initiate corrective measures. All Committee members shall have the right of access to all quarters for the purpose of inspection.

b. All costs incidental to the repair or restoration of the premises due to damage or excessive wear or unsanitary conditions, other than normal wear and tear are properly assessable to the occupant. Settlement of such costs shall be made before the occupant is relieved of such responsibilities in connection with the occupancy of the quarters.

EXHIBIT NO. 6 (Continued)

EXHIBIT 5-6.5A (2)

QUARTERS ASSIGNMENT

PRIORITY OF QUARTERS ASSIGNMENT (NON-LOCAL HIRES) **

I. PUBLIC QUARTERS	*Medical Officer Dental Officer Pharmacist Other Commissioned Officers
II. RENTAL QUARTERS	*Administrative Officer *Director of Nursing *Building and Grounds Manager and/or Head Maintenanceman Assistant Director of Nursing Head Nurse Staff Nurses Public Health Nurses *Medical & X-Ray Technician *Medical Technician Medical Record Librarian Medical and/or Clinical Social Worker Education Specialist (Community Worker) *Dietitian or Head Cook Nursing Assistants, GS-4 and GS-3 Dental Assistant
III. RENTAL QUARTERS, IF AVAILABLE	Medical Records Clerk *Ambulance Driver and/or Chauffeur and/or Chauffer (Laborer) one only Maintenanceman, other than Head Cooks and/or cooks helpers Clerks and/or Clerk-Typist and/or Clerk-Steno Sanitarian Aide Property and Supply Clerk Storekeeper Pharmacy helpers Laborer and/or Maintenance Helper Truck Driver Nursing Assistants - GS-2

* Considered essential to program on 24 hour basis

** (See paragraph 5(4)a regarding restrictions on local hires)

QUARTERS OCCUPANCY REPORT - KEAMS CANYON 11/21/72

QTR. #	GRADE	POSITION TITLE	INDIAN	NON-IN
R-426-2	GS-11	Clin Nrs Spe.	x	
P-438-2	CO-03	Medical Ofcr.		x
P-445-3	CO-03	Medical Ofcr.		x
P-446-3	CO-03	Medical Ofcr.		x
P-433-2	CO-04	Medical Ofcr.		x
P-450-2	CO-04	Medical Ofcr.		x
P-443-3	CO-03	Medical Ofcr.		x
R-447-3	GS-11	Hospital Admin. Officer	x	
R-434-2	GS-04	General Clerk	x	
R-441-3	GS-11	Bldg. Gds. Mgr.		x
P-427-2	GS-07	Med. Tech.		x
R-442-3	GS-11	Spv. Clin Nrs.		x
R-435-3	GS-07	Clinical Nur.		x
R-456-1	GS-07	Clinical Nur.		x
R-457-1	GS-04	Lic Prac Nrs.	x	
R-461-SS	GS-04	Lic Prac Nrs.	x	
R-469-1	GS-04	Lic Prac Nrs.	x	
R-431-2	CO-03	Pharmacy Ofc.		x
P-430-2	CO-03	Pharmacist		x
P-454-1	CO-02	Staff Pharmacist		x
R-452-SS	WB-06	Cook	x	
R-437-3	GS-11	Comm Health Ed.		x
R-448-3	GS-05	Dir of PH NU		x
R-463-SS	GS-04	Lic Prac Nrs	x	
P-462-SS	CO-02	PH Nurse		x
P-453-1	CO-02	PH Nurse		x
P-440-2	CO-03	Dental Officer		x
P-444-4	CO-04	Chf. Dent. Ser.		x
P-460-1	GS-04	Dental Asst.	x	
R-428-2	GS-07	Clinical Nurse		x
R-436-3	GS-07	Clinical Nurse		x
R-459-1	GS-07	Clinical Nurse		x
R-458-1	GS-05	Clinical Nurse		x
R-464-SS	GS-04	Medical Radiologist		x
R-455-1	GS-10	Ass't Dir of Nurs		x

EXHIBIT NO. 6 (Continued)

EXHIBIT NO. 6 (Continued)

QUARTERS OCCUPANCY REPORT- OWYHEE 11/21/72

Qtr.#	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-512-2	CO-04	SERVICE UNIT DIR.	x	
P-513-2	CO-04	MEDICAL OFFICER		x
P-518-3	CO-03	MEDICAL OFFICER		x
R-525-3	GS-07	MEDICAL TECH.		x
R-519-2, R-520-1	GS-06	MEDICAL HEALTH TECH.	x	
R-528-5	GS-07	REC. SPEC.	x	
R-527-3	GS-09	SUPV. CLIN. NUR.		x
R-516-2	GS-07	CLIN. NRS.		x
R-526-3	GS-07	CLIN. NRS.		x
R-523-3	GS-07	CLIN. NRS.		x
R-524-3	GS-07	CLIN. NRS.		x
R-521-2	GS-04	NRS. ASST.	x	
R-514-2	GS-07	CLIN. NRS.		x
R-515-SS	CO-03	CHF PHARMACY		x
R-509-3	GS-11	COMM HEALTH ED	x	
R-711-SS	GS-09	PUBLIC HEALTH NUR		x
P-517-3	CO-04	CHF DENT SER		x

QUARTERS OCCUPANCY REPORT - PARKER 11/21/72

QTR#	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-615-3	CO-04	SER UNIT DIR		x
P-626-3	CO-03	MEDICAL OFFICER		x
R-627-3	CO-03	FLD MEDICAL OFFICER		x
R-625-3	GS-12	HOSP ADM OFC		x
R-629-SS	GS-02	TELE OPER	x	
R-614-2	GS-09	BLD GDS MGR		x
R-628-3	GS-07	MED TECH		x
R-606-2	GS-10	DIR OF NRS		x
R-617-3	GS-07	CLIN NUR		x
R-619-3	GS-07	CLIN NUR		x
R-624-1	GS-07	CLIN NUR		x
R-621-1	GS-04	LIC PRAC NUR	x	
R-618-3	GS-11	COMM HLTH ED		x
P-630-SS	CO-04	CHF DENT SER		x

EXHIBIT NO. 6 (Continued)

QUARTERS OCCUPANCY REPORT - PIMC 11/21/72

TR.#	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
-257- SS	GS-5	Medic-Trainee	X	
-258-SS	GS-7	Medic-Trainee	X	
-259-SS	GS-7	Medic-Trainee	X	
-260-SS	GS-7	Medic-Trainee	X	
-661-SS	GS-5	Medic-Trainee	X	
-262-SS	GS-5	Medic-Trainee	X	
-263-SS	GS-7	Medic-Trainee	X	
-264-SS	GS-7	Medic-Trainee	X	
-265-SS	GS-5	Medic-Trainee	X	
-266-SS	GS-5	Medic-Trainee	X	

QUARTERS OCCUPANCY REPORT- SACATON 11/21/72 -----

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-1025-3	CO-04	Medical Officer		x
P-1029-2	CO-03	Medical Officer		x
P-1012-3	CO-03	Medical Officer		x
R-1024-4	GS-12	Hosp Adm Officer		x
R-1011-2	GS-09	Bldg. Gds. Manager		x
R-1022-3	GS-07	Med. Tech.		x
R-1028-2	GS-11	Dir. of Nursing	x	
P-1027-3	CO-03	Medical Officer		x

EXHIBIT NO. 6 (Continued)

QUARTERS OCCUPANCY REPORT- SAN CARLOS 11/21/72

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-1223-4	CO-06	SERVICE UNIT DIRECTOR		x
P-1224-3	CO-03	MEDICAL OFFICER		x
P-1211-2	CO-04	MEDICAL OFFICER		x
R-1222-3	GS-11	Hosp. Adm. Ofr.		x
R-1243-3	GS-10	BLDG. GDS. MGR.		x
R-1227-3	GS-10	GEN MAINTANC	x	
R-1230-3	GS-08	Medical TECH		x
R-1212-2	GS-07	MEDICAL TECH		x
R-1233-1	GS-05	MEDICAL TECH		x
R-1225-3	GS-11	SUPV CL NRS		x
R-1234-1	GS-09	ASST DIR NRS		x
R-1310-2	GS-09	SPV CLIN NRS		x
P-1232-1	CO-02	NURSE TEAM LEADER		x
R-1237-1	GS-07	CLINICAL NUR		x
R-1208-2	GS-07	CLINICAL NUR		x
R-1221-3	GS-07	CLINICAL NUR		x
R-1220-3	GS-07	CLINICAL NUR		x
R-1231-1	GS-07	CLINICAL NUR		x
R-1236-1	GS-07	CLINICAL NUR		x
R-1213-2	GS-07	CLINICAL NUR		x
R-1214-2	GS-07	CLINICAL NUR		x
R-1239-3	GS-07	CLINICAL NUR		x
R-1217-2	GS-04	NURSING ASST	x	
P-1209-2	CO-04	CHF PHARMACY		x
R-1235-1	GS-10	CHIEF DIET		x
R-1216-2	GS-09	PUB HLTH NRS		x
P-1207-2	CO-05	SUPV PHN		x
P-1226-3	CO-03	MEDICAL OFCR		x
P-1238-1	CO-03	MEDICAL OFCR		x
P-1228-3	CO-04	CHF SU DENT		x
R-1244-3	GS-13	COUNS PSY		x
R-1229-3	NK	Farm EXT. AGENT		x
R-1241-3	GS-11	HEALTH EDUCATOR		X
P-1240-3	CO-03	PHARMACIST		X
R-1242-	GS-7	PHYSICIANS ASSISTANT		

EXHIBIT NO. 6 (Continued)

QUARTERS OCCUPANCY REPORT - SCHURZ 11/21/72

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-1407-3	CO-05	SERVICE UNIT DIR		x
R-1430-3	CO-05	CLERK	x	
R-1436-1	GS-09	HEALTH EDUCATOR		x
R-1435-3	GS-09	BLD GDS MGR		x
R-1423-4	GS-12	SOCIAL WORKER		x
R-1432-3	GS-10	DIR OF NRS		x
R-1431-3	GS-08	ASST DIR NRS	x	
R-1424-3	GS-07	CLIN NRS	x	
R-1433-3	GS-07	CLIN NRS	x	
R-1218-SS	GS-07	CLIN NRS	x	
R-1439-1	GS-07	CLIN NRS		x
R-1534-3	GS-04	NRS ASST	x	
R-1429-3	GS-04	NRS ASST	x	
R-1440-SS	GS-07	PHYSICIANS ASST	x	
R-1427-3	GS-03	MEDICAL OFCR		x
R-1425-3	CO-04	MEDICAL OFCR		x
R-1428-3	CO-04	MEDICAL OFCR		x
R-1426-3	CO-04	Chief DENT SERV		x
R-1437-1	CO-04	DENTAL ASST	x	

QUARTERS OCCUPANCY REPORT - WHITERIVER 11/21/72

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-1827-2	CO-02	MEDICAL OFCR		x
P-1828-2	CO-03	MEDICAL OFCR		x
P-1828-2	CO-03	MEDICAL OFCR		x
P-1852-1	CO-03	MEDICAL OFCR		x
P-1849-1	GS-11	HOSP ADM OFF		x
R-1823-2	GS-06	SUPPLY TECH	x	
R-1835-3	GS-07	PHYSICIANS ASST	x	
R-1843-3	GS-10	BLDGS GDS MGR		x
R-1838-3	WB-10	GEN MAINT		x
R-1859-3	GS-10	GEN MAINT		x
R-1834-3	WB-10	GEN MAINT		x
R-1847-2	WB-02	CONST FOREMAN	x	
R-1861-3	GS-06	HOUSEKEEPING OFF	x	
R-1860-3	GS-07	MED TECH		x
R-1839-3	GS-06	MED TECH		x
R-1841-2	GS-11	DIR OF NRS		x
R-1829-2	GS-08	SUPV CL NRS		x
R-1858-3	GS-10	SUPV CLIN NRS		x
R-1855-1	GS-07	CLIN NRS		x
R-1846-2	GS-07	CLIN NRS		x
P-1832-2	CO-04	CHF PHARMACY		x
P-1824-2	CO-02	DEP CHF PHAR		x
R-1825-2	GS-03	CLERK TYPIST	x	
P-1840-4	CO-05	SOCIAL WKR		x
R-1856-1	GS-09	HEALTH RESOURCE DEV	x	
R-1837-2	GS-11	SP PB HL NRS		x
P-1854-1	GS-09	PUB HLTH NRS		x
R-1833-2	GS-09	PUB HLTH NRS		x
R-1850-1	GS-08	PUB HLTH NUR		x
R-1857-1	GS-09	PUB HALTH NRS		x
P-1836-2	GS-04	MEDICAL OFCR		x
R-1862-SS	GS-11	CLIN NRS SP	x	
P-1830-2	CO-03	DENTAL OFCR		x
P-1842-2	CO-04	CHF SU DENT		x
P-1845-1	CO-02	FLD ENGR		x

EXHIBIT NO. 6 (Continued)

EXHIBIT NO. 6 (Continued)

QUARTERS OCCUPANCY REPORT - WINTERHAVEN 11/21/72

QTR.	GRADE	POSITION TITLE	INIDAN	NON-INDIAN
R-1901-88	GS-10	GEN MAINT.	x	

QUARTERS OCCUPANCY REPORT - FT. DUSCHENE 11/21/72

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-201-3	CO-03	CHF SU DENT		x

QUARTERS OCCUPANCY REPORT - PEACH SPRINGS 11/21/72

QTR.	GRADE	POSITION TITLE	INDIAN	NON-INDIAN
P-706-3	CO-03	DIRECTOR		x
R-709-3	GS-06	ADMIN CL		x
R-703-2	GS-05	MOTOR VEH OP	x	
R-704-2	GS-03	MED REC CL	x	
R-707-3	WB-10	GEN MAINT	x	
R-708-3	GS-07	PHYS ASST	x	
R-710-3	T/Sgt	PARA MEDIC		x

EXHIBIT NO. 6 (Continued)

The Tucson Program Area housing assignment policy and priority is as follows:

(1) The first priority is to non-local personnel essential to medical operations on a 24 hour basis

(2) The second priority is to non-local personnel essential to the maintenance of government property

(3) The third priority is to non-local personnel who for reasons of remoteness could not otherwise be satisfactorily housed

(4) Remaining housing units after satisfying the above priorities are available to local hires.

QUARTERS OCCUPANCY REPORT - TUCSON PROGRAM AREA
Sells-Santa Rosa-Tucson

SELLS	QUARTERS NUMBER	TYPE OF UNIT	OCCUPANT TITLE	GRADE	INDIAN	NON-INDIAN	LOCAL HIRE
	1519-6	1 Bedroom Apartment	Vacant				
	1520-6	1 Bedroom Apartment	Nursing Assistant	GS-2	X		X
	1521-6	1 Bedroom Apartment	Nursing Assistant	GS-4	X		
	1522-6	1 Bedroom Apartment	Registered Nurse	GS-7		X	
	1523-6	1 Bedroom Apartment	Buildings & Grounds Manager	GS-11		X	
	1524-1	1 Bedroom Apartment	Registered Nurse	GS-7		X	
	1525-1	1 Bedroom Apartment	Health Records Librarian	GS-9		X	
	1526-1	1 Bedroom Apartment	Registered Nurse	GS-7		X	
	1527-1	1 Bedroom Apartment	Laboratory Technician	GS-6		X	
	1528-1	1 Bedroom Apartment	Registered Nurse	GS-7		X	
	1529-1	1 Bedroom Apartment	Registered Nurse	GS-7		X	
	1530-1	1 Bedroom Apartment	Pharmacist	CO-03		X	
	1531-1	1 Bedroom Apartment	Physician	CO-03		X	
	1532-1	1 Bedroom Apartment	Registered Nurse	GS-7	X		X
	1533-1	1 Bedroom Apartment	Physician	CO-03		X	
	1534-1	1 Bedroom Apartment	Dental Assistant	GS-3	X		X
	1535-1	1 Bedroom Apartment	Physician	CO-03		X	
	1536-1	1 Bedroom Apartment	Maintenanceman	WB-10		X	
	1537-1	1 Bedroom Apartment	Clerk-Typist	GS-3	X		X

EXHIBIT NO. 6 (Continued)

SELLS	QUARTERS NUMBER	TYPE OF UNIT	OCCUPANT TITLE	GRADE	INDIAN	NON-INDIAN	LOCAL HIRE
	1538-1	1 Bedroom Apartment	Maintenanceman	WG-10		X	
	1539-1	1 Bedroom Apartment	Housekeeping Supervisor	WS-6		X	
	1540-1	1 Bedroom Apartment	Vacant				
	1541-1	1 Bedroom Apartment	Nursing Assistant	GS-4	X		X
	1542-1	1 Bedroom Apartment	Motor Vehicle Operator	WG-5	X		X
	1543-1	1 Bedroom Apartment	Physician	CO-03		X	
	1544-3	3 Bedroom House	Hospital Administrative Officer	GS-11	X		
	1545-2	2 Bedroom House	Maintenanceman	WG-10		X	
	1546-2	2 Bedroom House	Registered Nurse	GS-7		X	
	1547-2	2 Bedroom House	Physician	CO-03		X	
	1548-2	2 Bedroom House	Director of Nurses	CO-05		X	
	1549-2	2 Bedroom House	Physician	CO-03		X	
	1550-2	2 Bedroom House	Secretary	GS-5	X		X
	1551-2	2 Bedroom House	Nursing Assistant	GS-4	X		
	1552-2	2 Bedroom House	Sanitarian	CO-03		X	
	1553-2	2 Bedroom House	Dentist	CO-04		X	
	1554-2	2 Bedroom House	Pharmacist	CO-03		X	
	1555-3	3 Bedroom House	Physician	CO-06		X	
	1556-3	3 Bedroom House	Supply Supervisor	GS-7	X		
	1557-2	2 Bedroom House	Physician	CO-04		X	
	1558-3	3 Bedroom House	Vacant				

EXHIBIT NO. 6 (Continued)

EXHIBIT NO 6 (Continued)

SELLS	QUARTERS NUMBER	TYPE OF UNIT	OCCUPANT TITLE	GRADE	INDIAN	NON-INDIAN	LOCAL HIRE
	1559-3	3 Bedroom House	Supply Clerk	GS-5	X		X
	1560-3	3 Bedroom House	Dentist	CO-03		X	
	1561-3	3 Bedroom House	Dental Assistant	GS-4	X		
	1562-3	3 Bedroom House	Sanitarian Technician	GS-6	X		X
	1563-3	3 Bedroom House	Nursing Assistant	GS-3	X		
	1564-3	3 Bedroom House	Laboratory Technician	GS-7	X		
	1565-3	3 Bedroom House	Nursing Assistant	GS-4	X		
	1566-3	3 Bedroom House	Vacant				
	1567-3	3 Bedroom House	Supervisory Cook	WS-6	X		
	1568-3	3 Bedroom House	Registered Nurse	GS-10	X		X
	1569-3	3 Bedroom Mobil Home	Community Health Medic	GS-7	X		X
	1570-3	3 Bedroom Mobil Home	Registered Nurse	GS-7		X	
	1571-2	2 Bedroom Mobil Home	Public Health Nurse	GS-12		X M	
	1572-2	2 Bedroom Mobil Home	Vacant				
	1573-6	1 Bedroom Apartment	Official TDY Quarters				
	1574-6	1 Bedroom Apartment	Official TDY Quarters				
SANTA ROSA	1304-2	2 Bedroom House	Nursing Assistant	GS-4	X		X
	1305-2	2 Bedroom House	Public Health Nurse	GS-7		X	
	1306-2	2 Bedroom House	Community Health Medic	GS-7	X		
TUCSON	1714-2	2 Bedroom House	Maintenanceman	Ungraded		X	X
	1715-2	2 Bedroom House	Physician	CO-03		X	

EXHIBIT NO. 7

The Report of the Housing Committee of The Hospital Workers' Association

Fort Defiance 1972

(339)

INTRODUCTION

This study was undertaken by the Housing Committee of the Hospital Workers' Association, a coalition of workers to investigate injustices against the workers of Fort Defiance Indian Health Service Hospital. The report was begun in August 1972 and was largely completed at the end of September 1972.

The study was initiated because of several reasons. The first reason was the obvious division of PHS housing into two parts— one area of fairly large, attractive houses which are surrounded by well kept grounds, and another area of run-down, small and poorly maintained houses. More recently, the PHS has also purchased several mobile homes scattered in several places in Ft. Defiance which are rented to several employees. But the bulk of the housing is contained in the above mentioned areas. The first area will be referred to as the PHS Compound; the second area will be called the Camp Pickets.

The Camp Pickets were imported from a nearby Army Base in the early 1950's to provide temporary housing for Hospital employees. Not long after this they were condemned as unfit for occupation. Yet to this day, Hospital workers, almost exclusively Navajo and mainly of low pay grades, have been paying rent to the PHS for these houses. The rent runs approximately $35 per month. By and large these houses have been the only PHS housing open to Navajo employees from outside the Ft. Defiance Chapter. If they were not satisfied with this housing, they were forced to try to rent the rare available private home or had to travel long distances. Recently, the PHS has decided to do away with the Pickets. Whenever an occupant leaves a house vacant, it is torn down. The Administration claims that it is converting the area into a trailer park with hook-up facilities. The employees will be required to purchase their own trailers. Several of the Picket houses have been torn down. There is no sign yet of a developing trailer park, although at least one employee has purchased a trailer about three months ago and is waiting to move it in.

The PHS Compound is located just north of the Hospital. Its appearance contrasts sharply with the appearance of the Pickets. There are no dilapidated houses, no littered vacant lots. The homes are promptly repaired and even improved whenever necessary. Several of the homes have an extra bedroom constructed in the garage area, several done quite recently. The occupants of this area are generally white, well paid, with small families. These homes vary in size from two bedrooms to four bedrooms, except for the apartments for single employees. It is claimed by the Administration that these houses are mainly for the employees that stay for two years— mainly physicians, dentists, and pharmacists. Despite this however there seem to be no written guidelines for occupancy of these houses. The houses are distributed by the decision of one person— the Administrative Officer.

EXHIBIT NO. 7 (Continued)

This brings us to the other reasons why this study was initiated. If a study were to conclude that there is indeed a discriminatory pattern in PHS housing, certain questions would have to be answered. Why has a situation been allowed to develop over many years in which no adequate housing is provided for Navajo employees from outside the Ft. Defiance area? And why is the decision of one person allowed to decide the living conditions of so many employees? This is the purpose of this study.

EXHIBIT NO. 7 (Continued)

COMPLAINTS OF THE WORKERS CONCERNING HOUSING

In addition to the general observations contained in the introduction, several specific complaints have been raised by the workers at the meetings of the Hospital Workers.' Organization. Some of these repeat statements made previously in the report, but are important enough to be repeated and stressed.

1) High- paid executives, mostly white, are provided with inexpensive luxurious houses in Ft. Defiance. Many of the occupants of the PHS Compound are Commisioned Officers who pay rent by surrendering their Housing Allowance of $200- $400 per month. However, most of the other occupants pay only about $50-$60 per month. These are the people referred to in the complaint.

2) Several Window Rock executives live in large houses in Fort Defiance. In at least one case, this involved clear-cut favoritism. Mrs. Marie Lincoln, the head of personnel in the Hospital, has a daughter who works in Window Rock, Mary Vernicek. She was given an apartment in Fort Defiance shortly after starting to work for PHS.

3) The Navajo employees who have gotten PHS housing live mainly in condemned, run-down houses which are rarely repaired. Many of the good houses in the PHS compound seem to go to white employees, while Navajo employees in the same level job live in the Pickets. For example, the Chief of the Radiology Dept., a Navajo, has lived in the Pickets for about 18 years, despite requests for better housing. The supervisor of the Maintenance Department, a white man, lives in a large house in the PHS Compound.

4) There are small families and even one single person, the Nursing Director, who occupy two bedroom houses in the PHS Compound, while several large Navajo families have to squeeze into inadequate housing or else seek out expensive private housing.

5) When occupants of the Pickets ask for repairs or improvements on their houses, they are told there are no funds. Yet at the same time, third bedrooms are quickly added to houses in the PHS Compound when a new baby is born (e.g. 2006 in the Compound).

6) In Window Rock, an Indian employee was told that she did not qualify for a new trailer because she did not get paid enough. When she objected, she was told by Dr. Bock's white secretary that she should be thankful that she has her old house, and that she might find herself in the street.

EXHIBIT NO. 7 (Continued)

7) At least one Navajo employee, an experienced and highly qualified Registered Nurse, left Ft. Defiance Hospital this month because of lack of adequate housing. She is now working in Crownpoint, where she is originally from.

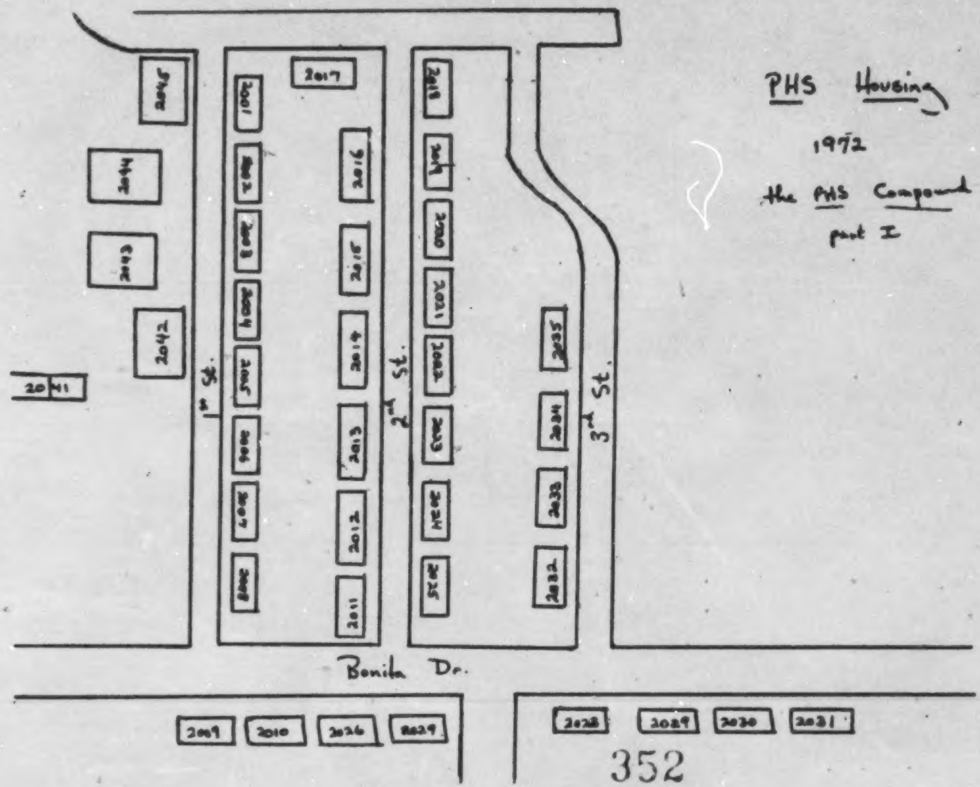
EXHIBIT NO. 7 (Continued)

The following section includes information about PHS housing in Ft. Defiance. Included are maps of the PHS Compound and the Camp Pickets. Also included are lists of occupants of the housing, including where they work, the size of their family, and the approximate time they have worked for PHS.

Not included in this section are the trailers just north of the Hospital, mainly occupied by the dental interns. Also not included are three trailers owned by PHS in the Black Rock Trailer Court. These were purchased earlier in 1972 and are rented to one of the Nurse Midwives, and two of the new Community Health Medics. Presumably the PHS obtained outside funding for these trailers.

The racial background of the occupants is not included in this section. The reason for this can be summed up in one sentence. There are no non-Indian families in the Pickets; there are four Indian families in the PHS Compound, not including the apartments.

EXHIBIT NO. 7 (Continued)



PHS Housing

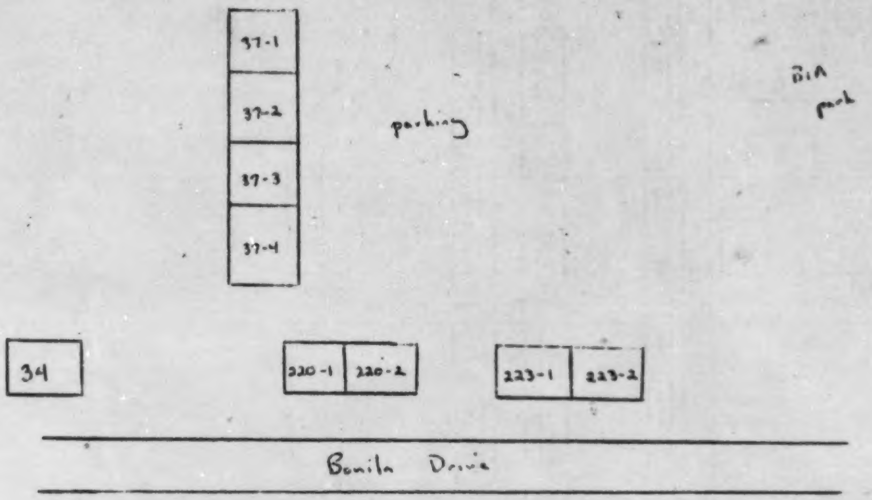
1972

the PHS Compound

part I

1st St.
2nd St.
3rd St.
Bonita Dr.
2045
2044
2043
2042
2041
2001
2002
2003
2004
2005
2006
2007
2008
2017
2016
2015
2014
2013
2012
2011
2018
2019
2020
2021
2022
2023
2024
2025
2035
2034
2033
2032
2009
2010
2026
2029
2028
2029
2030
2031

the PHS Compound - part II.


37-1
37-2
37-3
37-4
parking
BIA park
34
220-1
220-2
223-1
223-2
Bonita Drive

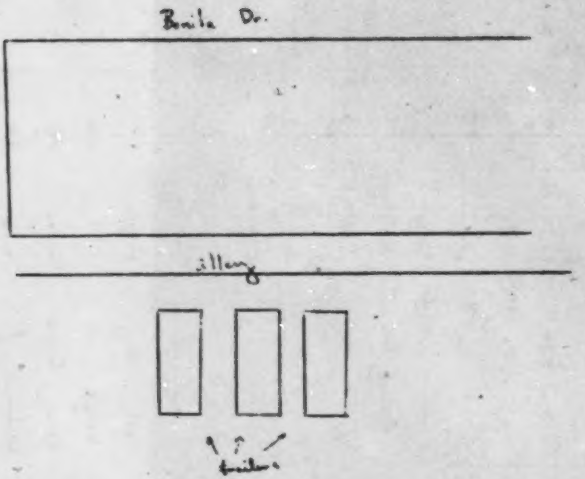
34. Riggs (wr)
8
8 people in
4 bedroom house.

37-1 Turnbull, Margaret nurse
37-2 — ? —
37-3 vacant
37-4 Cords, Claudia nurse

220-1 Howard, B.I.S.
[illegible]
220-2 Vermeck, Sharon
(wr) daughter
of Marie [illegible]
[illegible] Henderson, Helen
nurse

PHS Housing

trailers north of the Hospital


Bonita Dr.
alley
trailers

these are rented to the dental interns at
Ft. Defiance IHS Hospital

EXHIBIT NO. 7 (Continued)

	[illegible]			PHS	[illegible]
2001	Carrillo, Frank	electrician	FD	2	5
2002	Spangler, Kenneth	physician	FD	1	2
2003	Frederickson, Michael	physician	FD	>5	2
2004	Kohan, Daniel	physician	FD	1	3
2005	Kenney, Rosemary	chief, dietary	FD	?	2
2006	Cardman, Bruce	chief, lab	FD	<1	4
2007	Crump	dentist	FD	2 months	~5
2008	Fierman, Jay	physician	FQ	1 year	4
2009	Bishara, Harry	physician	FQ	2	2
2010	Smolev, James	physician	FD	1	3
2011	Yost, Jerry	physician	FD	>5	4
2012	Stargell	?	WR	?	?
2013	Kellogg, Grace	nurse	FD	?	3
2014	LeFevre, [redacted]	nurse	FD	?	4
2015	Rogers, Ralph	administration	FD	?	4
2016	Boyd, Josephine	nurse	FD	?	?
2017	Ritter	physician	FD	2 months	4
2018	Womack, Jack				
2019	Hope, Michael	pharmacist	FD	1 year	3
2020	Samelbach, Brian	pharmacist	FD	1	3
2021	McConnel, [redacted]	physician	FD	2	4
2022	Alvin, [redacted]	physician	FD	1	4
2023	Beeman, Irving	physician	FD	1	2

TE

EXHIBIT NO. 7 (Continued)

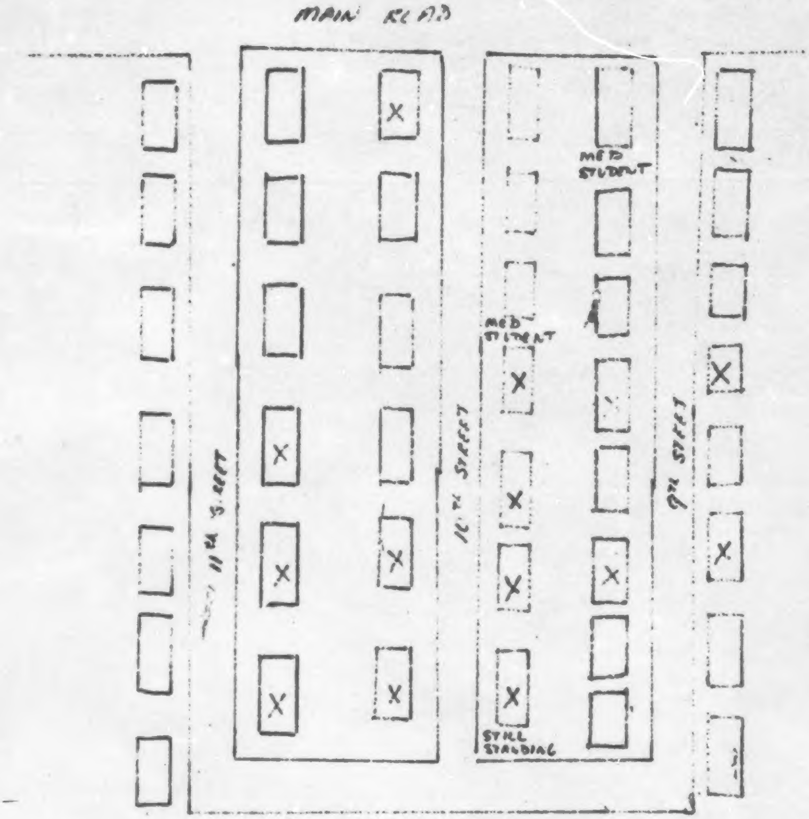
[illegible]	employee		[illegible]	Yrs	(# of [illegible])
024	Walker, Frances	nurse	FD		2
025	vacant (prob. soon to be occupied by new Social worker)				
026	Reisinger, Keith	physician-administrator	FD	1	4
027	Harriston, Roy	chief-maintenance	FD	~6	4
028	Perkins, Don	maintenance	FD	<1	2
029	Libby, Steve	pharmacist	FD	1	2
030	Bogany, Florence	nurse	FD		
031	Farmer		WR		
032	Scheran		WR		
033	Lyle, Jerry	physician	FD	~5	?
034					
035	Lewis, James	maintenance man	FD	?	5
036	Anderson, David	pharmacy (driver)	WR	?	2
2037	Evans, Pal	physician	FD	<1	?
2038	Lincoln, Marie	chief, personnel	FD	?	3
2039	Nez, Shirley	nurse	FD	?	
2040	temporarily occupied by Anglo member of NHA.				
2041	a Buckley, James	optometrist	FD	1	1
	b vacant				
2042	a				
	b		FD	?	1
	c Peebles, John	pharm. chief			
	d		FD		1
2043	a Cahill	nurse			1
	b Carley	physician (changes again [illegible] week)			1
	c Grossman				
	d Malone	nurse			
2044	a				
	b Dermont	nurse			1
	c Jessie	nurse			1
	d Madison	nurse			1

EXHIBIT NO. 7 (Continued)

	① Lida	nurse
2045	② Sister Louis	nurse + administrator
	③ Chun, Robert	physician
	④ Sister Viola	nurse

EXHIBIT NO. 7 (Continued)

MAP OF CAMP PICKETS, FT. DEFIANCE PHS


MAIN ROAD
11th STREET
10th STREET
9th STREET
MED STUDENT
MED STUDENT
STILL STANDING
X
X
X
X
X
X
X
X
X
X
X
X
X
X

X - condemned and torn down

EXHIBIT NO. 7 (Continued)

Statistics on CAMP PICKETS in Ft. Defiance PHS Housing

SE #	NAME	POSITION	# of YEARS	# of OCCUPANTS	GRADE LEVEL
35	Mrs. Notah				
36	Rose Mark	dental therapist Dental dept.	8 yrs.	4	GS-5
37	Kee J. Arthur	puchasing agent General Services	9 yrs.	5	GS-5
38	Rose Suen	x-ray technician X-ray dept.	3½ yrs.	3	GS-5
39					
40	Alice Yazzie	clerk CNO	3 yrs.	3	GS-3
41	Walter Francisco	maintenance Maintenance dept.			
42	Tom Manning	x-ray technician X-ray dept.	18 yrs.	4	GS-6
06	Henry Billie	cook helper Dietary	27 yrs.	10	WB-5
07					
08	Mrs. Tracy	LPN Nursing	20 yrs.	5	GS-4
14	Rena Smith	cook-5 Dietary	12 yrs.	9	WB-5
16	Mrs. Wauneka	cook helper Dietary	29 yrs.	6	WB-3
03	Justin James	janitor Housekeeping	19 yrs.	8	WB-5
-2	Rose Mary Wade	procurement ass't General Services	9 yrs.	6	GS-4
18	Mrs. Arnold	LPN Nursing	17 yrs.	3	GS-5
19	Johnny McCabe	janitor Housekeeping	15 yrs.	5	WB-4
	Pearl McCabe	lab ass't Lab	19 yrs.	5	WB-3
28	Keats Begay	sanitary aide, OEH	29 yrs.		GS-6/9
A-4	Mrs. Rose Malwood	LPN, Nursing	11 yrs.	7	GS-4

EXHIBIT NO. 7 (Continued)

CONCLUSIONS

When this study was undertaken it was the opinion of many of the workers at Fort Defiance Hospital that superior housing is made available to white employees more easily than to Indian employees. Much of the data offered in the previous sections supports this opinion.

The Administration, in its dealings with the workers, has made two basic assumptions about housing. One is that Indian employees, and especially Navajo employees, have an easier time finding housing because this is the Navajo Nation. However, many employees are from distant areas and are not members of the Ft. Defiance Chapter. It is as difficult for members of the other chapters to find housing or buy land here as it is for non-Indians. The second assumption is that if housing is not provided for non-Indians,it will be impossible to attract physicians and other professionals to the Hospital. This, however, does not deal with the issue. The question is not whether the houses should all be taken from the Anglos and given to the Indians. This would be as discriminatory as the present policy. The question is WHY has this present discriminatory housing policy been allowed to continue for this long without being corrected? And how many Navajo employees left because of poor and inadequate housing? The present PHS administration has continued this policy even though they did not start it.

This housing study was done in response to the workers' concern and questions. In the Navajo Nation the Navajo people are still being discriminated against. The workers want to know WHY!

EXHIBIT NO. 7 (Continued)

ADDENDUM

During the housing study, several ideas were brought up by the workers to provide adequate housing in a short time for the Navajo employees.

Recommendations included the workers building and repairing houses in the area of the Pickets after work hours and on weekends. Another idea was to have the Commissioned Officers and highly paid executives move to the expensive apartments being privately rented. This would entail a change of requirements for occupancy of these houses. A third idea was for the Area PHS to petition the Federal Government to send the housing allowance for the Commissioned Officers to the Area for funding housing. Now the housing allowance does not leave Washington. This would bring over 46,000 dollars for improved housing.

A basic recommendation is that a Housing Committee be formed of Hospital Workers to decide housing issues and priorities. This seems to be a necessity.

EXHIBIT NO. 8

INDIAN EDUCATION: A HUMAN SYSTEMS ANALYSIS

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The author is indebted to Clayton P. Alderfer, Associate Professor Department of Admin. Sciences, Yale University and David Berg, a graduate student in the department for their intimate collaboration and encouragement at every level of the research understanding.

The history of programs for the formal education of American Indians dates back to colonial times when the Jesuits established a school for Florida Indians in 1568.(1) Evaluating its impact was as much an issue for our colonial ancestors as it is for modern educators. Much of the literature is devoted to historical reviews and definitions of the problem. There is general agreement that Indian children perform more poorly than white children on achievement tests, are educationally retarded and drop out of school with frequency.

The Bureau of Indian Affairs, charged with the education of American Indians, operates more than 200 schools in 17 states of which 77 are boarding schools. Of the approximately 200,000 school age children, 35,000 are in BIA boarding schools, 16,000 in day schools and 24,000 housed in BIA dormitories while attending public schools. Of the 35,000 children in boarding schools more than 12,000 attend the nineteen off-reservation boarding schools. These, for the most part, provide a high school education for Indian children who have completed the 8th grade. The remainder are in on-reservation boarding schools of whom 8,000 are elementary students, 9 years old or under.(2) Enrollment in BIA boarding schools is increasing; it has, indeed, doubled in the decade of the 60's.

This paper explores the impact of an Indian boarding school on the student and the staff members who live, learn and work there. It asks, what is it like, how does it make you feel, and how are you left after having participated in the system.

EXHIBIT NO. 8 (Continued)

Historical Overview

The concern for educating American Indians dates back to earliest colonial times when the major responsibility fell to the churches who began the process of "humanizing and civilizing". Following the push westward in the mid-19th century it was felt that the establishment of reservations and a system of education would be a humane and cheap way of pacifying Indians. More importantly it was felt that boarding schools, remote from Indian communities would be a good way to accomplish this. The civil war marked a turning point in the history of American Indian education. There arose thereafter, a great concern for the welfare of Indians and the federal government began to assume a significantly larger role. In 1870 Congress appropriated $100,000 for the operation of federal industrial schools and in 1878-79, the first off-reservation boarding school, exemplified by Carlisle, dominated the approach to Indian education for 50 years. Its philosophy included the removal of students from their homes, strict military discipline, a work-study program with emphasis on industrial arts.(3)

In 1928 a devastating criticism of the boarding school was made by Merriam(4) who publicized the inadequacies, archaicisms and cruelities of BIA educational institutions. However, the recommendations challenged the means by which the traditional goal of Indian education was to be implemented, not changes in the goal itself.

EXHIBIT NO. 8 (Continued)

From 1943-1946 the University of Chicago, under contract with the BIA, gave selected tests to 4th, 8th, and 12th grade Indian and white students.(5) They found that Indian pupils in federal schools did not achieve as well in the basic skills as white or Indian pupils in public schools. Those findings were corrobbrated by Anderson(6) and Coombs(7), who concluded that "as the cultural and educational background of Indian children become more like those of white children in public schools, the more closely the educational achievement of Indian children match that of white children". Recapitulating, in more muted terms perhaps, a philosophy expressed 400 years earlier, that for Indians to become, they have abandon from whence they came. To Indian people this has meant leaving their Indianness and adopting some other framework. There are many Indian people who today still believe that education is a not so subtle attempt to sow the seeds of cultural dissolution and that schools are dedicated to the reformative aim of Indian annihilation. There are still rituals among tribes to cleanse their children of white contamination on their return from boarding school. The federal Indian boarding school by its own description, is the "foremost acculturative agency". It inculcates the habits and expectations of the society and produces by its very existence an institutional dependence which revolves around the dream that its recipients can benefit significantly from this kind of schooling.

EXHIBIT NO. 8 (Continued)

The National Indian Youth Council with the Far West Laboratory for Educational Research and Development reported in June 1969 (8) that "Indian education as a body of pedagogical principles, philosophy or techniques, does not exist. Rather Indian education can be defined as the imposition of white American educational institutions upon American Indian communities. The report concludes that the crucial problem in the education of American Indian children is the general relationship between white society and the Indian people. This relationship frequently demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alienation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in effective local government."

Mr. Robert Bennett, former BIA Commissioner, acknowledged that the boarding school issue and Indian education generally was an emotionally laden area with articulate advocates of contending points of view and offered a trained neutral evaluator in the person of Dr. Robert Havinghurst to direct a study funded by the U.S. Office of Education and called the National Study of American Indian Education. (9) The "Havighurst Report" became available in December 1970. Among its conclusions, that Indian children were neither basically nor genetically less intelligent than other children. It further suggested that Indian youth had the same feelings of self-esteem as non-Indian youth of similar socio-economic status, that Indian youth showed little evidence of "severe alienation" as measured by his feelings of not belonging and powerlessness. That they like their schools, teachers and the white man's way of life, and that most Indian parents were satisfied with the schools. Concluding once again, that as the socio-economic status of Indian families improved that the school achievement of Indian children would rise. (10) Those findings, as will be outlined, are not reflective of my own experience and data.

The School System

Established in 1890, this Indian School is one of the largest off-reservation boarding schools, with a current enrollment of approximately 900 students in 7th and 12th grade. It is accredited by the North Central Association of Colleges and Secondary Schools. Its student body, all Indians, come with few exceptions, from the tribes of Arizona.

In the academic year 70-71, there were 917 enrolled students of whom 262 (29%) left before the end of the school year. Some (9%) left before the end of the school year either of their own (or parents) volition but most (20%) by dint of expulsion. Attendance at off-reservation boarding schools is predicated on the following Bureau eligibility criteria. Educational criteria which include: unavailability of public or federal day school within reasonable commuting distances; special vocational or preparatory course not available elsewhere; and being educationally retarded more than three years or with bilingual language difficulties. In addition, there are social criteria: individual children rejected and neglected for whom no suitable plans can be made; and those whose behavior problems cannot be solved by families or existing community facilities and who can benefit from the controlled environment of a

EXHIBIT NO. 8 (Continued)

boarding school without harming other children. At least 60% of the students are referred for so called "social reasons, and we thus see a a somewhat skewed sample of studentry.

From a profile compiled by the schools counseling service for the 69-70 school year, it was found that 1/3 of the students are at least two years older than the usual age for that grade level. Achievement scores, as has been often pointed out, are well below the national average and the gap does not close during the high school years. College aptitude tests revealed that the overwhelming majority of students fall in the lowest 10th percentile.

Infractions of school rules (drinking, AWOL's, vapor sniffing, etc.) are common place but exact data is virtually impossible to obtain. There seems to be little consistency in terms of who defines what as an infraction, to say nothing of varying styles of reporting them. My own impression is that at least 50% and perhaps up to 90% of the students do something against the rules even if not reported.

Organizationally the school is responsible to the superintendent who delegates daily operational duties to the principal. Three assistant principals head the major divisional areas of instruction, home living, and pupil personal services (guidance). Important as well, and not fully worked out, is the relationship between the Area BIA Education Office and the functional operation of the school. Area education personnel are responsible for overall programs, planning, funding and direction. The school, although purportedly self-governing, is clearly part of and privy to the decision making power of others who are physically and sometimes emotionally far removed.

Ninety-five percent of the teaching staff are non-Indian. 70% of the teaching staff have been at the school more than five years; 17% are here for the first time; and 13% have been here from 2-5 years. It seems that if one stays more than a year, the likelihood is that one will remain. Those who leave the system seem to do so early in their careers.

The home living or dormitory staff is fairly evenly divided between Indian and non-Indian employees, although top-level personnel, with one exception, are non-Indian. The staff is charged with the task of providing a warm home life, becoming close to students, and providing guidance and support. There are seven dorms, which house approximately 130 students ear and 55 dormitory personnel who work three different shifts. During peak evening hours there are usually two, perhaps three, staff members who tasks become that of simply controlling behavior into manageable quanta. It means putting out the fires of immediate crises, a job that becomes such an omnipresent demand that in most ways it precludes having enough energy left over to provide on-going, time consuming, personal relationship.

Counseling and guidance services are provided from a trailer, physically (and as we shall see, emotionally)separate from academic and dormitory complexes.

There is little interpenetration of the boundaries between these distinct task groups at any time. When it does occur, it does so around the mobilization for dismissal of acting-up students. When the greatest articulation of structure exists for a secondary task of the system, such as behavioral control and the primary task, education, remains isolated and well bounded, the system is in for trouble.

The concept of boundary is an aspect of open systems theory which treats organizations as systems whose survival requires continuous exchange of materials with the environment. (11,12,13) If the boundary is too permeable it invites innundation, chaos and disorganization, whereas an impermeable boundary becomes a barrier which causes death through entropy.

There are boundaries which separate the organization from its environment and those which are internal to the organization. These internal boundaries separate task systems from each other. The authority for these separate internal operations (dorms, teaching, guidance) is delegated by top management to subordinates. The viability of the subsystem and ultimately the total organization is dependent on successful boundary transactions between the adjacent subsystems.

In the schools case, each subsystem functions as if totally independent and involved in tasks each perceive as mutually exclusive. For example, a dormitory head called a guidance counselor at midnight to say that a student was drunk and disorderly and to come over right away. The counselor replied "I don't think I can do much counseling in her condition" to which the dorm head exasperatedly shouted, "I want you here, I want you to see what we have to put up with" and then hung up the phone. The event is illustrative of a broader theme, one which has less to do with students and more with the feeling that each internal subsystem has little sensitivity and understanding of what the other does.

Teachers with academically achieving students often discover that such students have been expelled for chronic after-school misbehavior and then wonder why they bother teaching if their student keep disappearing. Yet when a student is called out of class for a counseling session to hopefully deal with such misbehavior they say "if they pull you out of class, let them give you a grade". The theme of impermeability of boundaries expressed in issues like territoriality and insensitivity occurs not only between adjacent subsystems but also internally within each task group. Between dormitories who interpret and enforce restrictions differently (I think the rules for boys and girls dorms should be different"), between academic departments ("this should be a vocational training center not a college prep school"), and between each staff and its supervisor (I don't know what the assistant principal in charge of my department is really supposed to do").

Finally, the boundary between the organization and the external environment (local community, Indian reservations, Washington, D.C.) effects and reinforces such internal organizational perceptions. The external boundary regulation is much less delegatable than internal task functions, and it becomes the major task of top management. For example, the schools top management was recently confronted by community and Washington pressure to keep children in school and was forced to make a decision to have expulsions reviewed by a board including tribal, family, school and central office representatives. The distances of most reservations preclude any any ease for such gatherings, nor much agreement once convened with such disparate representation. What has effectively happened is to nullify expulsions. However, the internal task systems use the threat and actuality of expulsion as its only effective weapon in enforcing behavioral conformity. This decision then (in which they have had no input), removes whatever disciplinary power they may have had. As within the internal subsystems, here again one sees boundary exclusiveness and impermeability resulting in isolation and resentment. Although it is said that all work toward one end, the basic theme of impenetrability of not working together, and of failure to define task is continually reinforced. By neglecting the boundary tasks and its role tasks, a system is produced which then tends to become, as will be seen, stagnant and incapable of growth.

Method

I was introduced as mental health consultant to the Phoenix Indian High School in July 1970 within the understanding that I would be spending approximately half my time there. I shared my interest in seeing children and serving as an organizational consultant with the hope and expectation that together we would define my role. As a way of getting to know more about the school and the issues people felt were important there, I conducted some in depth interviews. A representative cross-section of all departments, and students were seen, and with their consent, recorded. These tapings included a formally outlined interview, but with wide latitude for discussion of individual items of special relevance. On the basis of those interviews and subsequent replays, some generally held ideas about areas of concern became apparent. A questionnaire was developed, based on those shared concerns, as a way for the entire school community to respond to those perceived problems. The questionnaire was distributed three weeks after the start of school and subsequently computerized and evaluated. This initial data was shared, discussed and evaluated by the entire school during a two-day feedback session in March during which formal classes were suspended.

To get some sense of what happened to people the longer they remained at the school and to discover differing perceptions as a function of time within the system, the questionnaire was redistributed in late spring 1971. Similar data analyses were run and results compared. The papers main focus is the school as a social system, but the questionnaire data deals with individual attitudes. In interpreting the data, therefore I have drawn from my field work talks, observations and experiences to bridge the gap.

Results

The Bureau's guiding educational philosophy "encompasses the belief that all Indian children must have the opportunity to realize their full potential and to become useful members of society". It suggests that to facilitate ongoing and independent learning, teachers should have access to widespread and well organized materials and services. They should bend their energies toward developing attitudes of discovery, problem-solving, research and experimentation leading to creative and critical thinking.

Yet in spite of such expectations, considerable differences exist in terms of what people at the school think is being learned. In response to the question "I use my abilities in my academic subjects" both students and teachers agree that the longer they stay in school the less likely they are to use their abilities. Apparently something happens where both students and teachers stop learning. There is also strong agreement between students and staff members that as one stays at the school one finds that it is really too easy to get passing grades. Raising the interesting possibility that students and teachers may stop learning as a result of both their realizations that no matter what happens in the classroom everyone passes anyway, thus removing the impetus for students to work and teachers to teach. Related here too, is the fact that students in junior high grades feel that they are being well prepared for college but those who remain to become upper classmen begin to share the staff's perception that indeed they are being poorly prepared for college work (Table 1).

When asked directly "students who come here really don't want to learn", we discover that students and staff members agree, more as time goes on, that students do not really come here wanting to learn.

Do students who remain to become upper classmen not want to learn, or do the students fulfill institutional or staff expectations that they cannot learn. Or, are students poorly prepared for college because they do not use their abilities or because the subjects are too easy? Merton, in proposing the idea of the "self-fulfilling prophecy" stated that in many situations, people tend to do what is expected of them. That phenomenon was recently vividly documented by Rosenthal and Jacobsen (11) who showed that teacher expectation effects students performance. The teacher who assume that her/his students cannot learn discovers that she has a class of children who indeed are unable to learn; yet another teacher who makes the opposite assumption may discover she/he has a class of

EXHIBIT NO. 8 (Continued)

TABLE 1

"I believe the students are being well prepared
for college work."

	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement
Junior High	63	9
Sophomore	46	17
Junior	30	32
Senior	28	20
Academic Teaching Staff	0	76
Vocational Teaching Staff	0	75
Dormitory Staff	5	52

interested learners. A similar process applies to other forms of behavior.

And Charles Silberman in "Crisis in the Classroom" noted that "one cannot spend any substantial amount of time visiting ghetto schools, be they Black, Puerto Rican, Chicano or Indian, without being struck by the modesty of the expectations teachers, supervisors, principals and superintendents have for the students in their care."(12)

Using our own data to illustrate, is it possible that the students feel they do not come here to learn, because in spite of being at school their teachers do not believe they are being well prepared? Teachers who give passing grades easily, but at the same time do not believe the grades reflect the child's ability or preparedness, are really saying the grade is not worth much; it is not a reflection of what you do or ought to know. Doing well at the Indian school academically does not mean students will do well elsewhere. Indeed, it is the staff's expectation they they will not; the students know it, and they begin to believe themselves responsible for it. The school continues to have difficulty with dropouts, act-outs, and apathy because its students believe that it does not pay to achieve and do well in school. School holds a false promise: you can become all you want by learning, but no one believes you are learning.

This phenomenon happens not only in terms of grades, but also by teachers who say things in front of students impugning their person and abilities. Students may perceive themselves as not wanting to learn as a result of having been put down as silly, incapable or unworthy. Indian students and staff see themselves insulted and put down twice. It is difficult to see oneself as a learner in a situation where those in authority almost invariably are non-Indian make one feel worthless. Rather than rebel against such characterizations by powerful authorities one may say, "If they say so, it must be true," thus fulfilling institutional expectations.

It becomes clear in many ways that students and teachers talk to each other but do not really hear one another. Eighty percent of the students say that they often say things in Indian to annoy the teacher but only 40% of the teachers perceive that it is happening at all. Students agree two to three times as often as staff (and more so as the year goes on) that teachers are too old and have been here too long to be good teachers. The teaching staff too begin to agree with that perception as the year goes on. It is not only students who fulfill teacher expectations, but the reverse as well. The evidence suggests that the concept of the self-fulfilling prophecy ought to be expanded. Students and teachers seem to collude to develop negative expectations of the other which each then proceed to fulfill. The result is that neither teachers nor students develop, both become estranged, do not use their full abilities and fail to grow and perform together.

Indianness and Powerlessness

All interviewees seemed to agree that whether one is or is not an Indian made a difference in terms of ones experience at the school.

Although all people at the school agree that their respect for Indian heritage and tradition increases as a result of being there, it is difficult in some ways to translate such respectfulness into understandable operational terms. It is the Indian student and staff member, as has been suggested, who hear, with far greater frequency, insulting things being said about Indian people. The saying of such things and the hearing of them increases as the school year goes on.

Indian students and staff members agree about twice as much as the non-Indian staff (Table 2) that "it is impossible for a non-Indian to appreciate what it means to be an Indian".

Most striking is the fact that it is the Indian staff, even more so than the students, who, as time passes in the school, perceive their Indianness as something which separates, distances, devalues, and puts them down. Because it is they who are most disenfranchised and powerless within the system.

Much has already been written and said about the uninvolvement and powerlessness which students feel and experience in school settings.(13-16) They are uninvolved in the one-way learning street, where teachers reveal the proper, orderly, laddered acquisition of facts in an unenthusiastic way. Less emphasis has been placed on school staffs who is many ways mirror such students feelings. In our school, it is the Indian staff member who perceives himself as the least able to change things, the least in control and the most disaffected (Table 3).

It is the Indian staff member who changes most dramatically with time; the longer they remain at the school, the less likely they are to call themselves able to change things. They feel increasingly powerless (Table 4).

The converse is true for non-Indian employees who as they spend more

EXHIBIT NO. 8 (Continued)

TABLE 2

"It is impossible for a non-Indian to appreciate what it means to be an Indian."

	September 1970		March 1971	
	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement	Agree or strongly agree	Disagree, strongly disagree
Indian Student	64	11	58	10
Indian Staff	46	34	70	18
Non-Indian Staff	29	40	29	30

EXHIBIT NO. 8 (Continued)

TABLE 3

"No matter what I do or say nothing will ever change here."

	September 1970		March 1971	
	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement.	Agree or strongly agree	Disagree, strongly disagree
Student	32	25	35	21
Indian Staff	26	35	71	14
Non-Indian Staff	21	47	34	31

EXHIBIT NO. 8 (Continued)

TABLE 4

"No matter what I do or say nothing will change here."

	Indian Staff		Non-Indian Staff	
	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement	Agree or strongly agree	Disagree, strongly disagree
here 1 year	60	30	54	15
here 2,3,4 years	50	0	29	38
here 5 years	100	0	20	45

EXHIBIT NO. 8 (Continued)

time in the system see themselves more able to change things at the school.

Such perceived powerlessness leads to disaffection. In response to a question which asked "if I could I would send my children to school here", the Indian staff members changed most dramatically as the year went on, from being more likely to do so at the beginning of school to the group lease likely to send their children here by the time school ends (Table 5). Similarly, it is the Indian staff who move most dramatically in terms of their involvement in the school (Table 6).

From the group most personally involved, in the space of seven months, the Indian staff becomes least involved.

Slightly more than half of the BIA's 160,000 employees are Indian. But most fill the lowest ranks (janitors, aides, drivers, laborers, secretaries); 80% of the better jobs are held by non-Indians. Even in non-professional areas, Indians for the most part are not in supervisory roles. As non-credentialed people, they are the ones most dependent upon the system. They have the fewest realistic options in terms of work elsewhere, should they choose to leave. Even students who may be ruled, restricted, and structured know that their time at the school will end. Indian staff members are a captive audience who because of the lack of proper credentials and thus salable skills stay indefinitely. And it is not the staying which is painful but rather the sense that in spite of staying nothing will change. In response to such a dilemma one becomes dis-affected, disenchanted, dissatisfied but rather than act out those feelings (which students sometimes do) Indian staff members tend to become apathetic and "unfeeling". There were a series of questions dealing with

TABLE 5

"If I could, I would send my children to school here."

	September 1970		March 1971	
	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement	Agree or strongly agree	Disagree, strongly disagree
Student	36	23	28	32
Indian Staff	23	52	13	75
Non-Indian Staff	19	71	14	72

TABLE 6

"The most important things in my life involve the school."

	September 1970		March 1971	
	% who agree or strongly agree with statement	% who disagree or strongly disagree with statement	Agree or strongly agree	Disagree, strongly disagree
Indian Student	65	11	64	9
Indian Staff	67	17	30	39
Non-Indian Staff	30	32	31	34

specific events at the school: whether people had ever seen such things and how they felt about them (e.g., have you ever seen a student hit a dorm staff member; have you ever seen a dorm staff person hit a student and then how does it make you feel). Invariably more people responded to how often they personally did or did not see such an event than to whether they had any feelings about it. I believe that to some extent all within the system choose not to feel about the things they might see because one learns it will not change anyway. One way to prevent the pain of sharing feelings which may then be ignored or punished is to keep them inside. The more one keeps them inside and does not discuss them, the more they slide out of ones personal awareness. A person without access to his own feelings is less of a human being, less able to be responsive to the needs of other people. If things are to change meaingfully at the school and in Indian education what needs to happen is a growing sense that what people think and feel will be listened to and make a difference in decisions that affect them.

Conclusion

There have been reforms made in Indian education, yet the schools themselves remain far less effective than is desirable.

The Bureau's educational goals emphasize a system where people share and grow. It wishes a setting wherein student and teacher share what one wants to know and the other wants to teach; where there is less submission to an obligatory curriculum and more available options; less emphasis on externally applied controls and more on individual responsibility for one's own behavior. Yet simultaneously the boarding school invites those with "behavior problems which cannot be solved by families or existing facilities" and who can "benefit from the controlled environment of a boarding school". Can it do both?

It is true that all schools share in common a preoccupation with order and control. And although they differ according to the communities they serve (the education of children's parents, their administrators and teachers, their wealth) these are differences in degree, not kind. The Indian boarding school does have an additional special problem in that its student population is highly selected. By accepting students for "social reasons" it implies that it, in some way, can deal with them. It has not, and because it has not, it demoralizes both teacher and student. In accepting the role as agent of social control, the school literally over-whelms its resources and leaves precious little time left over for scholarly endeavors. Being unable to deal with student acting out and dropping out, the staff begin to wonder what they are doing here, and eventually withdraw and simply survive day to day.

In systems terms the school fails to define its primary task. Each subsystem operates as if they exist only to serve their individual ends. Their inability to articulate, to make their boundaries more permeable and together to more clearly define the primary task is expressed in frustration, powerlessness and ennui.

Interestly, the school is being asked to deal with problems based on a hundred year history of paternalism and its concomitant tribal dependency. The more the school accepts the charge of dealing with "problem" children the more it de-emphasizes the real need for it to be dealt with elsewhere - basically by parents and tribes. It is the people who can and must assume the power in determining their futures rather than abandon themselves into the hands of others. Since the system has traditionally forced and encouraged such behavior, it is difficult to do. But the more the school permits itself to be used as an institution for control the more it re-emphasizes and tacitly encourages the tribes not to deal with it. The giving of education, like health and welfare, destroys people by robbing them of their own sense of powerfulness and worth. It re-emphasizes the institutions ability to give and the peoples neediness in having to receive and thus re-creates a master-slave snydrome. It is a "counterfeit nurturance" (17) in that by giving you are at the same time taking something away.

This is clearly a long way from a simple discussion of Indian education. Yet if the concern is with education one cannot restrict observations to just schools. To study Indian education means to study Indian history and American society and to understand that the difficulty in the education of Indian children lies as much with a society which has degraded and disenfranchized Indian people for more than a century as with teachers, students, and schools.

There are, of course, things we can begin to do, not as has been suggested to make boarding schools residential treatment centers, which is a sophisticated way of "blaming the victims", where we then see Indian students as disturbed rather than implicate the institutions responsible for his behavior. Nor is the ultimate answer, as has also been preferred,

EXHIBIT NO. 8 (Continued)

to increase the numbers and the training of dormitory personnel. It alone fails to deal with the underlying problem of an impermeable stagnant school system. And it is therein, if a solution exists, that it must lie.

Each subsystem must provide input into all decisions which mutually effect them. There must be a breakdown of the subsystem boundaries and their, till now, mutually antagonistic tasks.

Students must be given the responsibility for providing input in their learning. The child, as Piaget has demonstrated, is the principle agent in his own education and mental development. This is not to suggest that the remainder of the system withdraw, rather that we can discuss and negotiate with students how much autonomy they want and can handle.

All staff members need to share in the responsibility for making decisions which effect them. The special problem of Indian staff members and the issue of powerlessness needs to be addressed. Indian adults are, after all, a reflection of their total life experience, one which inculcates an enormous institutional dependency - "our" giving and telling and "their" needing, receiving and listening. As a result, Indian staff member who sense the possibility for improvement are the most dissatisfied and feel powerless to effect changes. For them the American dream of equality is a myth. Individuals do not become all they are capable of being; they become what others allow them to be.

The Indian communities have an obligation to become aware of what to expect and demand for their children. Aware of all the educational possibilities for their children, which until now they have relinquished into the hands of others. To successfully permeate the school-community boundary we will need functional school boards who provide input into the renewal of all contracts, into curricula and fund utilization.

Having now said this, let me add, that in the face of massive powerlessness and institutional entrenchment these solutions as they relate to existing boarding schools are trivial! For any significant change to occur in Indian boarding school education they should be phased out within the next five years. The schools are, from an educational viewpoint poorly effective and they are ineffective as agents and enforcers of social control. In fairness, I believe that many reservation parents will shudder at this suggestion. It hints again at the ugliness of the white man reneging on yet another promise. Their distaste will also be a tribute to an inculcated belief that only with this kind of education can they and their children succeed.

The boarding school, by mere virtue of its existence, perpetuates these myths that they can educate and control better than parents and communities can. Most importantly by being available it removes the impetus for those issues to be dealt with directly by the tribes themselves.

As a workable alternative consider the following briefest outline. For all within reach attendance in public schools. Those school are to have boards accurately reflective of student composition. Public school curricula ought to be supplemented with course material on Indian history, custom and the teaching of a tribal language. An on-going exchange between school staff and reservation people to deal with their differences and to

EXHIBIT NO. 8 (Continued)

promote positive exchanges. Family scholarships to be provided to those needy, with achieving high school students in their households.

For remote reservation areas we ought to consider mobile classrooms. House trailers with living and classroom accomodations could service small dusters of homes. Isolated ranches and homesteads could be serviced by mobile units whose operating radios would allow weekly visits and individualized instruction. Such a program could, I believe, be staffed by expanding the existing Teacher Corps and by allowing such service in lieu of military obligation.

By defining education as the primary task with parents intimately involved at every level, we can then approach the special needs of that small percentage of Indian children who require residential treatment for serious emotional or delinquent problems.

With community control of the education of Indian children will follow an extension of such responsibilities to other spheres of reservation life. From the limited contest of schools we can begin to minimize the rampant institutional dependence which pervades most tribes.

EXHIBIT NO. 8 (Continued)

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EXHIBIT NO. 9

S.K.I.N. ATTACKS INDIAN EDUCATION CENTER

Members of the Student Koalition of Indian Natives viciously attacked the Center For Indian Education at the Thirteenth Annual National Indian Education Conference in Tempe, on March 17, 1972. The S.K.I.N. members assaulted the Center before a packed house during a panel discussion that met to discuss the problems facing Indian university students in the Southwest. "The Indian Education Center", stated the student panel, "is nothing more than a White program, run by Whites, educating Whites, for White people!"

The Indian Education Center at ASU is a component of the Special Education Department. The Special Education Department is designed to train professionals for work with the mentally retarded, the emotionally disturbed, the disadvantaged student with learning disabilities, handicapped children and other less-fortunate drudges of society. This is not enough of a slap in the face. The director is non-Indian, the assistant director is a guy from Nebraska who "avoids" dealing with ASU students, and the graduate assistant is a White guy who never saw an Indian in his life before he got to ASU last autumn. He is supposed to be the student counselor, but no Indian student will utilize his services, perhaps, because he is completoly inept in dealing realistically with Indian students. He sits in his office four hours a day taking up space, completely ineffective in accomplishing the objectives of his position. You talk of accountability? This entire program needs a thorough evaluation. It then needs housecleaning. A more realistic set of values, goals and objectives are in order. Then, a meaningful vehicle for accomplishing these new goals would bring about a more effective Indian educational program.

Excuses have been used to dismiss the inequities of this program. "The university will not allow such a reconstruction within the Indian Education Department" is a common rationalization. "The Director must have a Ph.D" is another. If the university wants to sponser an Indian education program that is doing more harm to Indian people than good, then it's time for change, or get rid of it. If the university is steadfast in its insistence upon a Ph.D. to administer the Center, then they'll not have an Indian director for a long time, and the program will lack the personal feeling and empathy required for the success of this vital Indian program. Whatsmore, if this university was really concerned enough toward developing Indian leadership through higher education, they would make an effort to secure qualified (degreed) Indians to operate their Indian programs. After all, there are degreed Indians running around out there someplace.

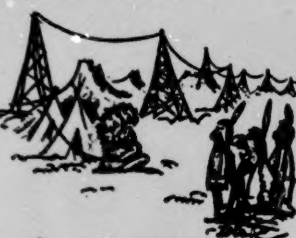
S.K.I.N. members and the A.S.U. Indian Advisory Board have the deepest personal respect for the director of the Indian Education Center. But he has got to realize that Indians have got to start developing their own programs as well as operate the same.

****

ASU UPWARD BOUND SEEKS COUNSELORS

Irvin Coin, Asst. Director of the upward Bound Program for Indian students at ASU, recently announced that his program was now taking applications for Tutot-Counselors. The Tutor-Counselor should be preferably Indian, have at least 60 credits toward his degree, male or shemale, maintain least a 2.00 grade point average, must reside in the dormitory during the summer session, must be able to qualify under the work-study program guidelines, and cannot enroll for summer course work. The Upward Bound Tutor-Counselor will be responsible for personal counseling, as well group tutoring. For further information please contact Mr. Coin's office at 209 South Hall, call 965-2371, or stop by his office to pick to up an application.

"THE INDIAN SELL-OUT"



"The whole valley ruined, because of his damned electric blanket."

EXHIBIT NO. 9 (Continued)

ASU INDIAN LEADERSHIP PROGRAM REWARDS INDIAN SELL-OUTS

The Indian Leadership Program at A.S.U., funded by the Indian Desk of the Office of Economic Opportunity in Washington D.C., is the biggest Indian rip-off that has ever been perpetrated at Arizona State University. The program was one of four that directed exhorbitant amounts of monies into schools at Harvard, Penn State, University of Minnesota, and Arizona State University. The O.E.O. guidelines of the proposal stated that the funds were to be used strictly to train Indian graduate students for school administrative positions in Indian schools. This program, instituted by Dr. Jim Wilson, then-Director of the Indian Desk of O.E.O. in Washington D.C., was the greatest educational program for Indians that has ever been created. Harvard, Penn State and Minnesota developed beautiful Indian Educational Administration Programs for their students. Arizona State University didn't! Arizona State's $122,666.00 share of the proposal was "mysteriously" channeled into Elementary Education. Dr. Donald O'Beirne from the Elementary Education Department, became the director of ASU's program. It seems that Dr. Jim Wilson received his doctorate in Elementary Education here, and Dr. Donald O'Beirne was the chairman of his doctoral committee at ASU.

It doesn't take a second-grader to add two and two.

Recruited Indian students were lured to ASU into this program on the belief that they would be training for school administration positions. When they got here, they found out they were going to got Master's degrees in Elementary Education. Just what they needed!!! Elementary teachers come a dime-a-dozen. Indian school administrators can't be found on this earth.

Finally, the Indian students protested. They signed a petition calling for an investigation. Several blonde "Indian" students didn't sign the petition. O'Beirne rewarded them for selling-out by giving them the advanced doctoral fellowships in Elementary Education. One doctoral student is just now returning from Europe, studying on "Indian" monies. Two students in this program, Bob Carnahan and Clayton McDowell, had no Indian blood whatsoever. An investigative team came in from Washington D.C., but Dean of Education Del Weber conveniently slipped out "on vacation" for several weeks. The protest was quelled, smoothed over, and nobody heard of it since.

……

UPWARD BOUND PROGRAM RECEIVES CUT-BACK

1. The university says "We want more Indians in our school."
2. The university then witnesses a drawback of funds from Washington D.C. that seriously limits the ability of ASU's Upward Bound Program to recruit Navajo students.

The cut-back has grieviously injured the Indian division of the Upward Bound Program by limiting ASU's radius recruitment boundary to 75 miles, wiping out participation from the Navajo Reservation, the Papago Reservation, the Apaches, the Northwestern tribes of Arizona and others. It would be fun to attack the university as being responsible for this move, but I won't. Washington D.C. (Tricky Dick) is responsible for this cut, but what has ASU done to protest? Nothing.

Therefore, one of the greatest assets to the recruitment and orientation of Indian students at ASU has been critically wounded. Instead of attributing future Indian student growth to the ASU Upward Bound Program, we can point an accusing finger to them for crippling Indian growth. But let's not give up on them, let's get behind Irving Coin, Hopi Assistant Director of the Indian division of the Upward Bound, and help make the best of what we now have. Then, next fall, let's do something to increase the radius of recruitment back to where it should be.

EXHIBIT NO. 9 (Continued)

wednesday
Arizona State University
state press
Vol. 54, No. [illegible] May [illegible] 1971
Tempe, Arizona

Indian attacks University claims institutional racism

Rick St. Germaine

ASU does not give Indians fair etment, according to the airman of the Indian Adsory Board.

Rick St. Germaine said sterday Indians in Arizona re admired across the ntry from an economic, iritual and traditional wpoint.

"But of the eight Indian ograms at the University signed to implement Indian larship in Arizona, only one dian has been employed," he id.

"This is one example of how e school is promoting intutional racism. It doesn't licize the fact that Indians e on this campus."

he Indian Education Center, erating out of the special ucation department, is designed to train teachers for Indian children. St. Germaine said 83 per cent of those enrolled were non-Indian.

"They're employing one token Indian as the assistant director and he is from the East," he said. "There are a number of qualified people with doctorates and masters degrees, Indians who could take over these programs."

The newly formed ASU Indian Advisory Board is taking steps to advise the University in areas of the development, operation and expansion of Indian education programs.

"We want a voice in determining how our programs are run, we want a voice in determining who is directing and staffing our programs," said St. Germaine, chairman of the board.

St. Germaine, a Chippewa Indian from Wisconsin working on his doctorate in school administration, said Indians in the Southwest, especially in Arizona, are "far behind the times as far as taking the initiative in taking control of their own political destiny."

Money for an Indian leadership program, funded through the Office of Equal Opportunity in Washington over one year ago, was "mysteriously channeled into elementary education," St. Germaine said.

He has documents stating that the federal proposal specifically stated the money be used in school administration areas.

Between March 8 and 13 members of the Student Koalition of Indian Natives (SKIN) registered 1,200 persons calling for a recognition of the Indian Advisory Board and an investigation of University programs pertaining to Indians. A series of meetings with University President John Schwada and George Hamm, vice president of Student Affairs were set to present the petitions.

Hamm recognized the board March 29.

In a recent election 300 University Indian students chose St. Germaine as chairman of the board.

Board members include Lupe Francis, Bill Duffina, Gabe Sharp, Richard Palmer, Will Dalton and Homer Hubbell.

In the past two weeks the board has started a recruitment program in the high schools, and is publishing brochures about its goals. The board will work with incoming Indians during summer orientation. They will sponsor a slide presentation and films and have gained a commitment from Hamm to hire a director for Indian Affairs on a part-time basis. He will serve as executive director to the ASU Indian Advisory Board.

SKIN will sponsor an open conference on "Tribal Education Coordinators" May 17, from 9 a.m.-3 p.m. in the MU.

"We've had great success with the president's office and Dean Hamm's office. We're very pleased with the developments taking place in the last two weeks. The future looks bright," said St. Germaine.

EXHIBIT NO. 9 (Continued)

thursday
Arizona State University
Vol. [illegible], No. [illegible] [illegible]
state press
Tempe, Arizona

ASU ignores Indians, ISA chairman says

By RICK MAHRLE

The Indian Student Association has charged the University with a lack of concern for the needs of Indian students on campus and in Arizona.

Rick St. Germaine, chairman of the association, also said the University has little regard for Indian students and is not doing much to help them.

St. Germaine charges the University has a closed door admissions policy for Indian students. He said the University has a seven-tenths of one per cent Indian population while Arizona has a six per cent Indian population.

Recruitment has been a problem, St. Germaine said. Persons who should be recruiting are doing a poor job, he said.

St. Germaine said Indian education is primarily for propaganda. He said the program is advertised as training Indians in education to go back to the reservation to teach.

"But last year, almost nine out of 10 students in the program were non-Indian," he said. This is against the federal policy of Indian self-determination, he said.

"The fact that the Indian students of ASU have completely broken off from them (center for Indian Education), denouncing their paternalistic and [illegible] plots, has not affected their direction," he added.

"They have consistently hired non-Indian students as graduate assistants and subsequently assigned these students as counselors of undergraduate Indian students who are experiencing difficulty," said St. Germaine which keeps non-Indians in control of programs that should be controlled by Indians.

St. Germaine said the Indians have been granted an Indian Affairs Board but the University has not listened to it.

The Indian board has taken its case to the Special Services Advisory Board, he said, and the special services board sympathizes with Indian problems, but the board's hands are tied.

The Educational Opportunities Program (EOP) and other organizations just pit one minority against the other, he said. Then no group benefits from the program.

"This University is not committed to the needs of the Indians in this state," he said.

"ASU is promoting the White Father myth," St. Germaine said. The white man has always felt superior to the Indians and has tried to control his destiny, he said.

According to St. Germaine, the ASU administration has promised the Indians many things, but in the American tradition, has not kept any of these promises.

WIN THIS WAR
THE HELL OUT
GEORGE ARMSTRONG

Rick St. Germaine

Photo by Rick Glass

St. Germaine said Dean George [illegible], vice president of student affairs, promised him an Indian Affairs director, but the Indian students only got a coordinator.

Bill DeHaan, an Indian recommended by St. Germaine and his committee to be Indian Affairs director, was hired full time over the summer. He was to report to Dr. Lois [illegible], associate dean of student affairs, with recommendations to improve Indian problems on campus.

The following recommendations were made:

—Line up tutors and counselors for Indian students. This would mean getting upper-level Indian students to tutor undergraduate Indians;

—Another full time Indian in the student affairs office, hopefully dealing with financial aids;

—More Indian students, to be accomplished by more agressive recruitment;

—Plug more Indian students into orientation programs.

Tomorrow: the administration answers the Indian Student Association charges.

EXHIBIT NO. 9 (Continued)

Opinion | state press Thursday, September 28 — Page 5

Letters

Indians encounter University snafu

Editor:

It's too bad that Dean Leon Shell was assigned the duty of answering Indian charges leveled against the university administration, since they were directed at George Hamm, but it seems more apparent every day that Hamm works in that sort of manner.

Shell wasn't present at meetings between Hamm and members of our Indian Student Association last spring and summer.

If he had, he would have listened to Hamm promise ASU Indian students an Indian Affairs Director, an impossible recruitment program run by Indians, an Indian center, and his philosophy of total commitment to the Indians of the state.

Hamm cannot deny these charges unless he's willing to ignore the testimony of three other Indian witnesses.

Shell cannot take credit, nor can anyone in the Student Affairs Office, for the initiation and development of Indian programs over the summer.

S.K.I.N. and I.S.A. members are responsible for this work and can attribute to the work that was made toward working out a recruitment program, the Indian Advisory Board, financial aids personnel, public relations information for ASU Indian students, and Indian survival course and many other things.

It is also interesting why Indian students on this campus first had to picket, demonstrate and petition, before the university made any attempt to remedy medieval situations that existed in regard to its relations with Skins.

Dr. Sandoval, Anglo director of the Center for Indian Education, is all the more incredible for his alibi statements made in the Sept. 21 issue of the State Press.

Only in Arizona can a White man get away with saying that "Indian people don't want all Indian teachers." If he says it long and loud enough, they'll make him the director of an education program for Indians.

Sandoval, too, thinks that the federal policy of Indian self-determination only applies to Indian students going to BIA schools.

And again, he states that Indians do not return to their reservations. What he refuses to realize is that thousands upon thousands of Indians are getting educated today and are doing just that — returning home to help their people.

And many are going to the cities to help their people who live there. And someday soon, one will rightfully take his job, and make improvement in the horrible situation at ASU.

The State Press didn't cover the story concerning the misappropriation of Indian funds in the amount of over $125,000 that were earmarked for Indians in graduate school of educational administration.

Why did Donald O'Beirne and Robert Strom direct these funds into their elementary education program, set up a little power structure for themselves and then subjugate Indian students into selling out their own people?

The answer to this question should be a real issue on this campus today.

This university should examine what they have done to their Indian students in the past.

They should refrain from promoting their White Father and paternalistic roles and turn over Indian programs to Indian leadership. Arizona universities are decades behind other schools and moving backwards.

Then it still remains to be seen what Hamm will do next. Will he open up token positions for Indians, write it off in his federal reports, and continue obstructing our plans?

Will he meet with me and listen, this time? Or will we have to go after him again in another couple months?

Rick St. Germaine
Graduate Student
School Administration

STUDENT COUNSELING SERVICE

At the Student Counseling Service a staff of counseling psychologists assist students in areas of educational and vocational planning, evaluation of long-term goals, understanding of self and relationships with others. All sessions are confidential.

Services include:
- —individual counseling
- —group counseling
- —psychological and vocational testing
- —occupational library.

For further information contact Dr. L. T. Cummings, director, in Wilson Hall, 965-[illegible].

Dr. George "1000-in-5-years" Hamm
Vice President for Student Affairs

EXHIBIT NO. 9 (Continued)

friday
ona State University
Vol. [illegible], No. [illegible] September 22, [illegible]
state press
Tempe

ASU Indians not ignored, dean says .

Dean denies charges

By RICK MAHRLE

Dr. Leon Shell, associate dean of student affairs, denied charges by the Indian Students Association that ASU's administration ignores Indians.

"We've been very much aware of the Indian students at ASU," he said.

Chairman of the association, Rick St. Germaine, has charged that the University is not committed to helping the Indian students on campus or in Arizona.

Shell said the University is doing many things to help Indian students, but "we still aren't doing enough. We have a way to go, but there surely have been efforts made in many directions."

Coordination

An information-gathering study is being conducted by the Student Affairs office, Shell said. The Purpose of the study is to find a way to coordinate all the Indian programs on campus to prevent overlap and step-up efficiency in Indian programs.

Each group presently responsible for Indian programs would remain responsible, he said, but the programs would be coordinated, instead of fragmented as they are now.

Closed doors

St. Germaine charged that the University has a closed-door policy towards admitting Indians. According to figures from last year only seven-tenths of one per cent of the University population was Indian.

Joseph Norton, director of admissions, said there was definitely no closed-door admissions policy at ASU. "We don't know who a student is when he applies," he said.

"All students are considered equally. We have no quotas, pay no attention to the high school they graduated from or their ethnic origin," Norton said.

The only reason Norton could give for the low percentage of Indian students was that they do not apply.

Low percentage

Shell said he would be the first to admit the low percentage of Indian students at ASU. He said the keys to increased Indian enrollment were increased financial aids and better recruitment programs.

Over the summer, [illegible] Dallison, an Indian recommended by the Indian association, was hired full time to make recommendations to the Student Affairs office. Shell said many of Dallison' suggestions are being followed up.

Dallison said there was a need for Indian tutors and counselors. Shell said upper-level Indian students are being lined up for tutoring.

Another recommendation was to add a full time Indian staff member to the Student Affairs office. Shell said a new Indian staff member will be added to his office in the next few weeks.

St. Germaine also charged George Hamm, dean of students, with promising the Indians a director of Indian affairs. Hamm said St. Germaine was told there would not be a director of any ethnic group on campus.

The Indians were given an Indian Advisory Board (IAB) instead.

University President John Schwada said, in a letter to St. Germaine, that IAB would be "providing a vehicle for expression on the part of the University's Indian students regarding their educational, social and financial needs."

St. Germaine said the board has not lived up to expectations yet, because the University will not listen to the board.

St. Germaine also charged the Center for Indian Education with false advertising and propagandizing.

Rick St. Germaine

Dr. Harry W. Sundwall, director of the center, said the center was never set up to be all-Indian as St. Germaine apparently thinks it should be. The program is designed to train teachers in educating Indians, with special emphasis on Indian history and culture, and has been that way for 14 years, he said.

"Indian people don't want all Indian teachers," he said. About [illegible] per cent of the students in the center's program are non-Indian.

Sundwall said white teachers are not against federal self-determination policies because the policy only applies to Bureau of Indian Affairs (BIA) schools. Most Indians do not attend BIA schools so they do not fall under federal policy, he said.

Many Indian students do not return to the reservation to teach, Sundwall said. Once they get their education, they go to large cities where the money is.

St. Germaine called such Indians "Uncle Tomahawks." "We do have, as all groups do, those Indians more interested in money than their own people," he said.

Indian students are helped in many areas, Shell said. He mentioned Indian students receiving financial aids, a graduate program in social services administration with grants ear-marked for Indians, and other campus programs available to all minority students.

Friday, September 22

EXHIBIT NO. 10

DEVELOPING CURRICULAR CONTENT OF THE INDIAN SURVIVAL IN A NON-INDIAN WORLD COURSE FOR NATIVE AMERICAN STUDENTS AT ARIZONA STATE UNIVERSITY

by

RICHARD ST. GERMAINE

Submitted in partial fulfillment of the requirements
for Research Methods in Education EF-500
in the College of Education
Arizona State University
Summer Session 1972

(392)

EXHIBIT NO. 10 (Continued)

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EXHIBIT NO. 10 (Continued)

INTRODUCTION

Social and academic adjustment to university and urban life looms as a detriment to post-high school educational success for Indian students in Arizona. The development of a program entitled "Indian Survival In a Non-Indian World", designed to combat the novelty of university living and create familiarity with afore-threatening experiences, would be a conversant task to the professional curriculum designer, and one readily assumed by parties with vested interests. The problem is one of determining the most feasible content of this adjustment-orientation course for Indian students.

The purpose of the study was to build upon ideas for a classroom model through the acquisition of concepts developed by three groups of students at Arizona State University.

The hypotheses underlying this study were:

1. The Indian student group would request a greater percentage of cultural awareness and self-concept development content than the other non-Indian groups.

2. The non-Indian student groups would make a greater per- of requests for a "Whiteman's education" than the Indian groups.

3. The Indian student group would make a greater percentage of requests for an Indian instructor of the course than the non-Indian groups.

Some definitions for certain terms are offered below:

1. Indian student- as recognized by the Bureau of Indian

EXHIBIT NO. 10 (Continued)

Affairs, any person of ¼ degree or more Indian ancestry, duly enrolled in an accredited university or college.

2. Whiteman's Education- as commonly referred to by reservation Indians, the dominant content of studies prevailent in American public school.

The need for the study has arisen from the increasing enrollment of Indian students at Arizona State University, the majority of which are ill-equipped to meet the demands of rigorous educational challenges, subsequently failing in their attempts to secure higher educational goals.

LIMITATIONS OF THE STUDY

1. The small proportion of sampling of Indian students in comparison to the non-Indian contingent. A larger number of Indian students questioned would have increased the validity of this study.
2. Because of the nature of the questionnaire, the researcher's analysis of the answers to the questions became a matter of question in several instances. Objectivity in analyzing material became a difficult task on several occassions.
3. Compiling Group I and Group II together as a basis of comparison to Group III, when they differed significantly in maturity and experience.

REVIEW OF LITERATURE

While some Indian leaders have become intent upon locking themselves into struggles with educational policy-makers and the public over the fact that Indian people are not receiving the educational opportunities due them according to federal treaties, laws and constitutions, their attention is being drawn away from the most crucial of shortages in America, the quality of education that an Indian child receives, or better yet, the insufficient attempt to ready the ethnical minority student once he attains collegiate status. (5:4) For it is the greatest of short-comings, according to McKinley, when Indian children are not given the allowance of adjustment to a foreign culture within the schools. (10:14) Cuban also testifies in a Phi Delta Kappan that "when minority children are thrown into a sea of White instructional information, they will not come out cleansed of self-hate and sparkling with ethnic consciousness. They will drown." (4:271) He continues, in point, that preparedness for cultural understanding rests with the sensativity of teachers.

When Cuban falls short in pointing out the specific failings of our educational systems at the higher education levels, Green indicts the public schools for neglect in "providing minority and poor children with the knowledge and skills they need to earn a decent living and to participate in the social, educational and political life of the community," (6:274) Where Green overlooks the adjustment process necessary for the accomplishment of knowledge and skills in learning, Artichoker suggests that, whereas the normal counseling and guidance program in a non-Indian setting

EXHIBIT NO. 10 (Continued)

is designed only to supplement the information and guidance of parents and friends, the counseling and guidance program for Indians must be the core of the entire process of selection and attainment of educational and vocational goals. (5:30) "The Indian arrives at the college with a short background in academic preparation", according to an article written by Ludeman for The Journal of Educational Sociology. While he recognizes the lack of preparation for college life, however, he fails to bring about a realistic approach to the solution to this problem within his study. (9:335)

In this context, Quimby attempted to ascertain and analyze select cultural, social, economic, and academic problems faced by American Indian students as they pursued their college careers in the state of Arizona. (14:2) His pursuits at providing institutions of higher education with an authentic source of information that would help plan orientation programs and improved guidance and counseling services for American Indian students are sorely needed. Based upon studies gathered from successful and non-successful Indian college students, Quimby concluded his study with an appeal to college officials to learn the problems faced by Indian students and "supply the services, guidance, and other necessary means to enable them to successfully help themselves." (14:127)

Quillen, too, views the problems of adjustment as a complex conglomeration of items, centering in such areas as "the cultural rold and objectives of education, the organization and administration of the school, the content of education, methods of teaching and learning, the evaluation and guidance of the student, and public relations and the provision of adequate financial support." (13:49)

Nix identified the problem in his doctoral dissertation when he quoted James Officer from a report entitled *Indians In School*. "There is always a problem of social adjustment for the student who changes from a federal high school to one where the enrollment is predominantly non-Indians and values are definitely middle class," Officer found that many Indian students leave college prior to completion because they fail to make this adjustment. Furthermore, his suggestion that colleges and universities maintain a similar counseling service to that provided for foreign students as a deterent to high drop-out rates, due to problems of social adjustment and English comprehension, produced lauds from Nix. (12:71-72)

The militant-activist Indians of North America, and their allies, of course, have resounded the pleas for a greater quality of education, particularily in preparing young Indian students to meet the challenges of an unfamiliar, foreign type of life associated with the university community.

"Indians who move off the land and into the cities are apt to become losers. In fact, the first thing an Indian learns is that he is a loser", retorted Senator Walter Mondale to a *Time* correspondent in 1970 (1:19) In the same article, *Time* magazine reported responses made by several Indians in regard to attempts at trying urban life. "I was unhappy there. It was too fast. There was noise, fumes, confusion-the Whiteman's problems. In the city you lose your contact and feeling for the land. You become isolated", according to Donna Flood. "The people live like foreigners - unfriendly, clannish. The bars were the only place to get acquainted and unwind", spouted a Cherokee. (1:20)

Problems of failure were noted by Gahn in Our Brother's Keeper:

> "If the Indian child fails, it is because he is Indian. Failure is expected, and the expectation becomes self-fulfilling. Educators hope to overcome the Indian child's cultural deprivation, but they really don't expect to succeed. Most schools are prepared to pass every Indian student (what they call social promotions) regardless of his performance". (3:43)

Along the same lines, Senator Edward Kennedy noted in a1970 edition of Look magazine: It is clear that the Indian is being shortchanged. It is clear that the American Indian has the cards stacked against him. And it is clear as well that the BIA isn't doing much to help." (8:36)

In Edmonton, the Indian Association of Alberta has devised a curriculum for its existing schools, as well as created plans for the development of total Indian control of its own education. As explained in the "Montreal Star" by Boyce Richardson, Associate Editor: "Thousands of native parents feel the integration system is failing their children. They are being shoved, ill-prepared, into a social and cultural atmosphere totally alien to everything they have known." (15:17)

Ex-NIYC President, William Pensoneau, sees the adjustment problem further agitated by the fact that young Indian people "are spoonfed platitudes about life". Furthermore, "whatever the young Indian may learn at home he is told to forget when he gets to the non-Indian-administereed school". " I call that negative socializing, where they teach the young to negate and reject everything they are taught at home". (7:19)

Therefore, the diversity of Indian-oriented resource people agree, like Mooney, that grave problems exist among entering Indian college students with regard to inadequate training for college life, insufficient economic training, inability to relate to the dominant culture, and even (sometimes) religious and moral problems. (11:52056) Educators such as Quimby and Officer have called on collegiate officials to train themselves for the unique problems facing Indian students, provide the services necessary for success, and maintain orientational-adjustment programs that will facilitate preparedness in the cultural realm. (14:127) (12:71-72) But the question still remains unanswered in respect to what types of programs are required at Arizona State University during the decade of the 70's to meet the challenge.

EXHIBIT NO. 10 (Continued)

METHODS AND PROCEEDURES

In order to test the hypotheses that Indian students, from non-Indian students, requests for content in the "Indian Survival In the Non-Indian World: course, a one-page questionnaire was presented to three groups of students, requesting them to complete five questions that were designed to solicit ideas for the development of the curricular content of the Indian Survival Course. The questionnaire delved into learning experiences, course content, philosophy of Indian education, practical applications for the course, and leadership for the position. It was used as a device to extract personal feelings from respondents about Indians as a basis for constructing the content.

The three groups sampled were representative of : 1) non-Indian graduate students, 2) non-Indian undergraduates, and 3) Indian graduate and undergraduate students. Group I (non-Indian graduate students) were presented with questionnaires in a class situation, briefed concisely, and returned the forms the following day. Group II (non-Indian undergraduates) were presented with questionnaires in a class situation, briefed consicely, and some returned the forms the following day. Group III (Indian undergraduates and graduates) were presented questionnaires: 1) at an Indian meeting, 2)in a class situation, and, 3) "on the street". They were given brief and concise explanations.

The data was analyzed according to number of responses from the three groups to the five questions. Percentages of any given similar response were used as a basis of comparison on charts.

EXHIBIT NO. 10 (Continued)

Seeing, in some cases, as the data was highly subjective, analysis of the information was made quite cautiously.

EXHIBIT NO. 10 (Continued)

Age____

12

Sex____

Educational Level________________ Teaching Experience(Years)________

Suppose you were planning to enroll in a three hour accredited course entitled "Indian Survival In A Non-Indian World".

What type of experiences (within the course) would you expect or anticipate? (please be specific)

With what would the course content be composed?

What are some important items necessary for Indian survival in a non-Indian environment?

What are important aspects of life that an Indian child should obtain in order to realize his potential, make adequate decisions concerning his life and successfully assist his people toward unity and peace?

In your estimation, who should teach this course?

Check here if you are an Ind'an____

EXHIBIT NO. 10 (Continued)

ANALYSIS AND RESULTS

The findings of this study revealed a significant difference between the non-Indian and Indian groups in regard to requests for curricular content in cultural awareness and self-concept development areas. The Indian group, as shown in Table III, items B, C, D, and Table II, items D, E, made 50 requests from a possible 75 (.667 percentage basis) for thses development areas. The two non-Indian groups, as shown, in the Tables, made 79 requests from a possible 210 (.376 percentage basis) for the same developmental areas.

The findings also revealed that the non-Indian groups did not make a greater percentage of requests for a "Whiteman's education" than the Indian group, thereby refuting the second hypothesis. The Indian group, as shown in Table II, items B, C, and Table III, items A, G, H, actually placed great emphasis upon the worth of a "Whiteman's education" making 39 from a possible 75 requests (.520 percentage basis), while the two non-Indian groups, as shown in the same Tables, made 83 of a possible 210 requests (.395 percentage basis) for the "Whiteman's education".

Also, the findings revealed a significant difference between the non-Indian and Indian groups in regard to requests for Indian instruction of the course. The Indian group, as shown in Table IV, item A, made 11 from a possible 15 requests (.734 percentage rate) for a Native American instructor, while the two non-Indian groups, as shown by the same table, made 42 requests (.247 percentage basis) for the Indian instructor. In addition to this, the non-Indian groups requested existing non-Indian academic departments or anyone who is competent, as shown by Table IV, items B, D, 15 from a possible 84 times (.179 percentage rate) to provide instruction for the course, while the Indian group, as shown by the same Table, made 1 of a possible 30 requests (.030 percentage basis) for the same source of instruction.

In general, the Indian group ranked group discussions of current Indian problems and utilization of speakers and other resource people, high. Training for awareness of the dominant Anglo culture was even valued greater than discussion of current Indian problems in Table II. However, appreciation of Indian heritage and culture development of pride and self-concept, and promotion of a sense of worth as an individual and member of a society drew the greatest amount of attention from the Indian group.

The non-Indian undergraduate group emphasized interest in discussion of Indian problems, the use of resource people, and visitations to reservations and other Indian Communities. In Table II, they consistently ranked behind the other two groups in the areas of discussion of Indian problems, awareness of the dominant Anglo culture, Indian education and Indian politics. In Table IV, they failed to point out career education, vocational training and employment security as necessary items for Indian survival. They recognized the worth of the appreciation of Indian heritage, self-concept development, and pride as necessary items for Indian survival, yet to a much lesser extent than the other two groups.

The non-Indian graduate group recognized group discussions of Indian problems, the use of resource people and field trips to

EXHIBIT NO. 10 (Continued)

resources a greater percentage of the time than the undergraduate group, but to a lesser extent than the Indian group. They consistently valued Indian history, culture, language and heritage as shown by the number of requests, moreso than the undergraduate group, but again, to a lesser extent than the Indian group. In the area of training for dress and shelter, vocational training, career education, and economic security through employment, the graduate group placed a greater amount of emphasis upon, than the other two groups.

EXHIBIT NO. 10 (Continued)

Table 1. Comparisons of answers to the question: what type of experiences would you expect or anticipate within the course?

*Interpretation of groups: group I represents 24 non-Indian graduate students polled; group II represents 18 non-Indian undergraduate students polled; group III represents 15 Indian graduate & undergraduate students polled. All groups were polled at random.

	Group I	Group II	Group III
A. instructional media (films, TV, aids)	.083 2	.165 3	.200 3
B. speakers & resource people	.333 8	.278 5	.468 7
C. group discussion of problems	.458 11	.389 7	.734 11
D. field trips to resources	.250 6	.111 2	.333 5
E. visit reservations	.168 4	.333 6	.000 0

Table 2. Comparisons of answers to the question: with what would the course content be composed?

	Group I	Group II	Group III
A. current Indian problems	.542 13	.389 7	.800 12
B. awareness of dominant Anglo culture & societal changes	.583 14	.445 8	.934 14
C. personal budgets, checking acc'ts, taxes, etc.	.500 12	.445 8	.468 7
D. Indian history, culture & language	.667 16	.611 11	.734 11
E. Indian education	.250 6	.056 1	.333 5
F. Indian politics	.168 4	.056 1	.200 3
G. training for dress & shelter	.375 9	.000 0	.000 0

Table 3. Comparisons of answers to the question: what are some important items necessary for Indian survival in a non-Indian environment, as well as aspects of life that should be obtained?

	Group I	Group II	Group III
A. obtain an education in the White world	.750 18	.445 8	.867 13
B. Indian language & culture	.292 7	.389 7	.468 7
C. self-concept, pride & sense of worth	.458 11	.278 5	1.000 15
D. appreciation of Indian heritage & culture	.417 10	.278 5	.800 12
E. responsibility to his people	.168 4	.056 1	.600 9
F. knowledge of environment	.042 1	.056 1	.400 6
G. adequate living, jobs & self-supporting	.292 7	.056 1	.067 1
H. career education(vocational training)	.292 7	.000 0	.267 4
I. solidarity and unity	.209 5	.000 0	.200 3
J. religious beliefs	.000 0	.165 3	.200 3
K. socialize with others (including non-Indians)	.250 6	.056 1	.267 4
L. don't condemn the Whiteman	.250 6	.000 0	.000 0
M. communications & human relations	.126 3	.000 0	.133 2
N. educate the Whiteman	.083 2	.056 1	.133 2
O. politics	.083 2	.000 0	.133 2
P. not sure, no answer	.126 3	.389 7	.000 0

Table 4. Comparisons of answers to the question: who should teach this survival course?

	Group I	Group II	Group III
A. a competent Indian	.375 9	.445 8	.734 11
B. anyone who is competent	.292 7	.222 4	.067 1
C. a team (at least one Indian & one Anglo)	.209 5	.111 2	.133 2
D. existing university departments (ie. psychology, sociology)	.083 2	.111 2	.000 0
E. also resource people	.126 3	.000 0	.200 3
F. no answer	.000 0	.111 2	.067 1

EXHIBIT NO. 10 (Continued)

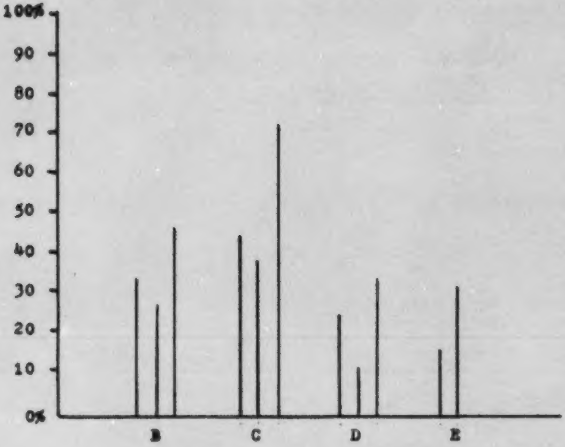

Fig. 1. Percentage of answers to the question: what type of experiences would you expect or anticipate within the course?

.—— non-Indian graduate students (24)

.—— non-Indian undergraduates (18)

.—— Indian graduate & undergraduates (15)

item "B" - invited speakers and resource people.

item "C" - group discussions of problems.

item "D" - field trips to resources in the city.

item "E" - visit reservations and rural Indian communities.

EXHIBIT NO. 10 (Continued)

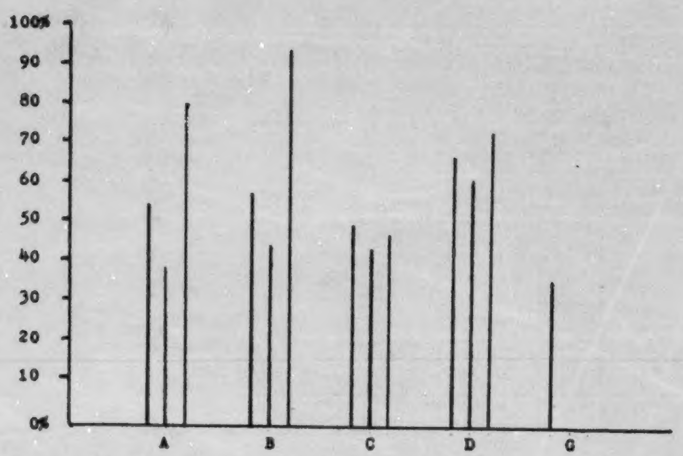

Fig. 2. Percentage of answers to the question: with what should the course content be composed?

.——— non-Indian graduate students (24)

.——— non-Indian undergraduates (18)

.——— Indian graduate & undergraduates (15)

item "A" - current Indian problems (both urban & reservation).

item "B" - awareness of dominant Anglo culture and necessary societal changes.
item "C" - personal budgeting, checking accounts, taxes, small business management.
item "D" - Indian history, culture & language.

item "G" - training for dress and shelter.

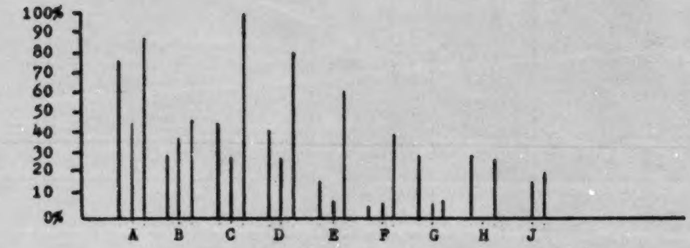

Fig. 3. Percentage of answers to the question: what are some important items necessary for Indian survival in a non-Indian environment as well as aspects of life that should be obtained?

. non-Indian graduate students (24)

. non-Indian undergraduates (18)

. Indian graduate & undergraduates (15)

item "A" - obtain an education in the White world.

item "B" - Indian language & culture.

item "C" - self-concept, pride and sense of worth.

item "D" - appreciation of Indian heritage & culture.

item "E" - responsibility to his people.

item "F" - knowledge of environment.

item "G" - an adequate living, jobs and be self-supporting.

item "H" - career education (vocational training).

item "J" - religious beliefs.

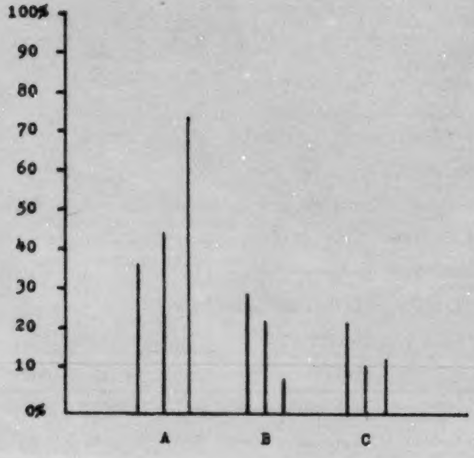

Fig. 4. Percentage of answers to the question: who should teach the anticipated course?

•——— non-Indian graduate students (24)

•——— non-Indian undergraduates (18)

•——— Indian graduate & undergraduates (15)

item "A" - a competent Indian.

item "B" - anyone who is competent.

item "C" - a team (at least one Indian & one Anglo).

SUMMARY

The problem of determining curricular content for the Indian survival course was faced by Indian leaders at Arizona State University. The purpose of the study was to build a model course utilizing curriculum ideas gathered from three groups of university students. Three hypothese proposed that Indian students would differ significantly from non-Indian students in selections of course content, values within education, and leadership of the course. Returned questionnaires supported the first hypothesis-Indian students requested a greater percentage of cultural awareness and self-concept developmental content than the other two non-Indian groups. The second hypothesis was rejected-Indian students actually requested a "Whiteman's education" percentage-wise over the other two non-Indian groups. And thirdly, the Indian students made a great percentage of requests for Indian instruction within the course than did the non-Indian segment. Tallies of requests, percentages of same, as well as a breakdown of variables and corresponding charts were used to illustrate comparisons. The significance of differences were statistically and visually shown.

EXHIBIT NO. 10 (Continued)

CONCLUSIONS AND RECOMMENDATIONS

As a result of the findings and on the basis of data collected from three divergent sources of the population that is vitally involved in the educational process, the following conclusions were drawn. A course of studies should be implemented at Arizona State University that is instructed by a highly competent Indian person for the definite purpose of providing orientation services to incoming Indian students. This adjustment mechanism would employ the use of a diversified number of community resources such as relevent speakers, authorities in economic, cultural and social fields, and field trips to vital points of interest and concern. Also important are group discussions of pressing isues in the realm of real problems, as well as the creation of devices cooperatively constructed to deal with these problems.

Current Indian problems and issues would dominate the course content, as well as units designed to strengthen the concept of "Indianness", pride in the Indian people, and appreciation of the Indian heritage and culture. The promotion of the American system of education, with foreseen revisions, would be a necessity at this point. Career education would be an area that could evolve into employment counseling, academic program guidance, and eventually, a self-perpetuating process whereby successful students could provide future services.

Subject to the limitations of the study, the findings appear to justify the following recommendations.

1. A continued series of studies and research should be implemented to define a workable orientation program and accomodating course of studies for American Indian students at Arizona State University.

2. A revised study should be directly conducted, utilizing a greater number of Indian students, as well as professional educators and community resource people. The revised edition should include a list of items on the questionnaire, checked on a ranking basis according to individual importance. Validity of measure and objectivity in analysis would thereby be increased.

3. The development, by the university, of an American Intercultural Studies Program for the purpose of exploring intercultural history and desting in America and bridging gaps in the security of our nation.

4. The eventual implementation of the "Indian survival in a non-Indian would" course. The direction should come from qualified Indian individuals from the university community who meets the standards set cooperatively by university officials and the Indian Student Association of Arizona State University.

EXHIBIT NO. 10 (Continued)

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EXHIBIT NO. 10 (Continued)

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EXHIBIT NO. 11

STATE OF ARIZONA
30th LEGISLATURE
2nd REGULAR SESSION

SENATE

S.B. 1021
INTRODUCED
January 11, 1972

REFERENCE TITLE: Indian Affairs Commission
Pre-Filing Date: November 22, 1971

Referred to	Date	Reported Out
Rules		

Committee of Whole ____________

3rd Reading ____ Aye ____ No ____ Absent ____

House Action ____________

____

Sent to Governor ____________ Action ____________

Introduced by Majority of Committee on State, County and Municipal Affairs

AN ACT

ATING TO STATE GOVERNMENT; PROVIDING FOR AN INCREASE IN MEMBERS OF INDIAN AFFAIRS COMMISSION; PRESCRIBING THE COMMISSION AS THE SOLE AND OFFICIAL AGENCY IN INDIAN AFFAIRS; PRESCRIBING POWERS AND DUTIES, AND AMENDING SECTIONS 41-541 AND 41-542, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-541, Arizona Revised Statutes, is amended to read:

41-541. Commission of Indian affairs; members; officers; voting; meetings; compensation

A. The Arizona commission of Indian affairs shall consist of the governor, the superintendent of public instruction, the director of public health and the attorney general, who shall be ex officio members, and seven NINE members appointed by the governor, two at large who shall be non-Indian, and ~~five~~ SEVEN from among the Indian tribes. Each tribe or tribal council may submit the names of not to exceed two members of its tribe, and from the names so submitted, the governor shall appoint the ~~five~~ SEVEN Indian members.

B. The term of office of each appointive member shall be three years. The terms of ~~two~~ THREE appointive members shall expire on the first Monday in January each year. ~~, except that on the first Monday in January of each third year, the terms of three members shall expire.~~ Each member

S.B. 1021

shall hold office until his successor is appointed and qualifies. Appointment to fill a vacancy caused otherwise than by expiration of a term shall be for the unexpired portion thereof.

C. Members of the commission serving by virtue of their office shall serve without compensation. Appointed members shall receive compensation as determined pursuant to section 38-611 for each day of attendance upon meetings.

D. The commission shall elect a chairman and a vice chairman, who shall be appointive members, and adopt rules and regulations for the conduct of meetings. A record shall be kept of all proceedings and transactions.

E. The commission shall meet at least twice each year at such times and places as it determines, and may hold meetings upon the call of the chairman. A majority of the appointed members of the commission shall constitute a quorum for the transaction of business, but ex officio members may vote. Members who fail to attend three consecutive meetings shall be deemed to have resigned but the commission may for good cause grant leaves of absence to its members.

F. THE COMMISSION HAS THE POWER TO APPLY FOR, ACCEPT, RECEIVE AND EXPEND PUBLIC AND PRIVATE GIFTS OR GRANTS OF MONEY OR PROPERTY UPON SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE DONOR AND FOR ANY PURPOSE PROVIDED FOR BY THIS ARTICLE.

Sec. 2. Section 41-542, Arizona Revised Statutes, is amended to read:

41-542. Powers and duties; studies and hearings; cooperation between federal, state and local agencies; reports

A. The commission shall consider and study conditions among Indians residing within the state. The studies shall be made to accumulate, compile and assemble information on any phase of Indian affairs. For such purpose the commission may hold hearings, make investigations, and confer with officials of local, state and federal agencies in order to secure cooperation between the federal, state and local governments in the promotion of the welfare of the Indian people.

EXHIBIT NO. 11 (Continued)

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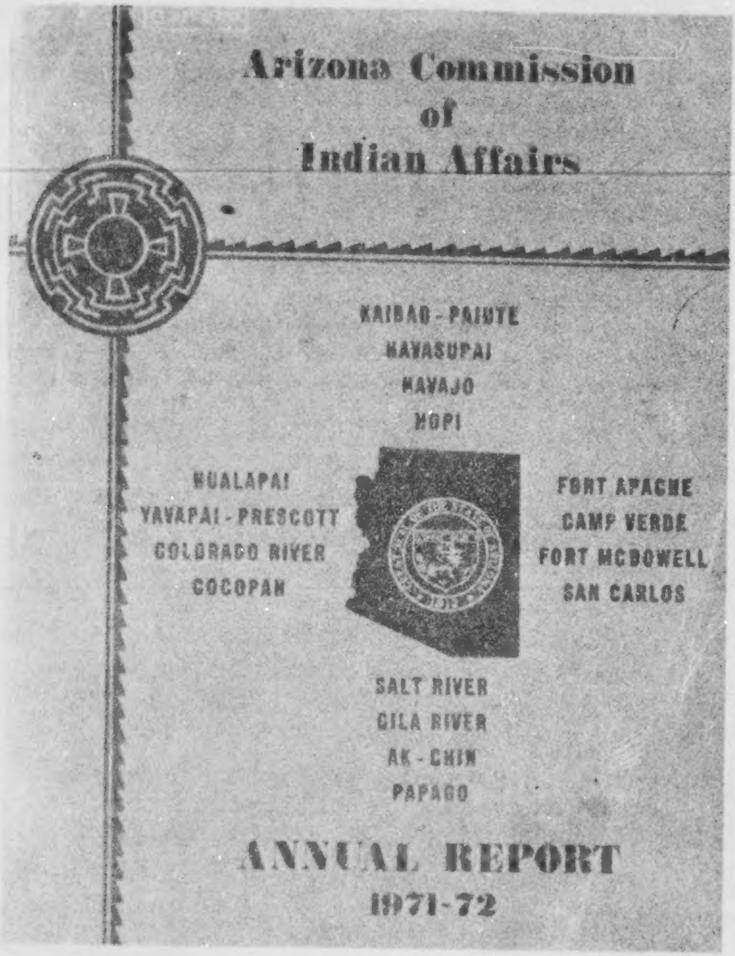
B. The commission shall make a written annual report, giving an account of its proceedings, transactions, findings and recommendations to the governor and the legislature, and shall from time to time submit such other reports as may be necessary.

C. THE COMMISSION MAY INITIATE OR ASSIST PROGRAMS ON A RESERVATION ONLY UPON THE REQUEST OF OR WITH THE APPROVAL OF THE TRIBAL COUNCIL FOR SUCH RESERVATION.

Sec. 3. Initial terms of additional members

Of the two additional members of the Indian affairs commission authorized by this act, one shall be appointed to serve an initial term expiring on the first Monday of January, 1973, and one shall be appointed to serve an initial term expiring on the first Monday of January, 1974. Thereafter, all subsequent appointments shall be for a term of three years.

EXHIBIT NO. 11(A)



Arizona Commission of Indian Affairs

KAIBAB - PAIUTE
HAVASUPAI
NAVAJO
HOPI

HUALAPAI
YAVAPAI - PRESCOTT
COLORADO RIVER
COCOPAH

FORT APACHE
CAMP VERDE
FORT MCDOWELL
SAN CARLOS

SALT RIVER
GILA RIVER
AK - CHIN
PAPAGO

ANNUAL REPORT
1971-72

The Honorable Jack Williams
Governor of Arizona
State Capitol Building
Phoenix, Arizona 85007

Dear Governor Williams:

In accordance with the provisions of Article 4, Title 41-542 of the Arizona Revised Statutes, I am submitting the 1971-1972 Annual Report for the Arizona Commission Of Indian Affairs.

The problems confronting Arizona Indians in attaining a place of social, economic and political equality with other citizens of this state and nation are complex and will take both time and patience to solve. The members of the Commission recognize and accept the responsibility which has been entrusted to them to contribute to the solutions of these problems.

We hope that the information contained in this report will prove to be encouraging and helpful as you evaluate the progress being made by the Commission in its program of cooperation with state and federal agencies, tribal councils, legislators and others in developing harmonious working relationships and trust.

Sincerely yours,

Bill Alcaida

BILL ALCAIDA - Chairman

BA:CMP/dd
August 8, 1972

EXHIBIT NO. 11(A) (Continued)

FOREWORD

The Arizona Commission of Indian Affairs was established by the Arizona Legislature in 1933 and is operative under Arizona Revised Statutes Article 4, Titles 41-541 and 41-542. The primary purpose of the Commission has been to study conditions among Indians residing within the State.

The Commission serves as the official link between the unique tribal autonomies and the state government, its legislature and elected officials.

A very important area of our responsibility has been to improve communications, understanding and working relationships between all concerned and we have deligently been working to this extent.

Another of our goals, is to promote understanding and fellowship in the area of Indian affairs as well as cooperate and assist the tribes in developing self-determination.

The tribal people have come along way in relatively a short time, however, an educational program is essential to educate the non-Indians to respect and learn from others who are culturally unalike. With your assistance and our's, this can and will be accomplished.

EXHIBIT NO. 11(A) (Continued)

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EXHIBIT NO. 11(A) (Continued)

POPULATION AND ACREAGE OF ARIZONA RESERVATIONS

RESERVATION	CLASSIFICATION	POPULATION	ACREAGE
Ak-Chin	Papago	258	21,840
Camp Verde	Yavapai-Apache	693	640
Cocopah	Cocopah	441	528
Colorado River	Mohave-Chemehuevi	2,072	264,091
Fort Apache	Apache	6,300	1,664,872
Fort McDowell	Yavapai	345	24,680
Gila River	Pima-Maricopa	8,321	371,933
Havasupai	Havasupai	370	3,058
Hopi	Hopi	6,423	2,472,254
Hualapai	Hualapai	969	993,173
Kaibab-Paiute	Paiute	150	120,413
Navajo	Navajo	71,396	8,969,248
Papago	Papago	7,073	2,773,357
Salt River	Pima-Maricopa	2,470	46,624
San Carlos	Apache	4,772	1,877,216
Yavapai-Prescott	Yavapai	105	1,558
		112,358	19,605,485

NOTE: The figures were supplied through the courtesy of the Bureau of Indian Affairs and do not include the thousands of off-reservation members of tribes.

The Navajo population is for Arizona only.

EXHIBIT NO. 11(A) (Continued)

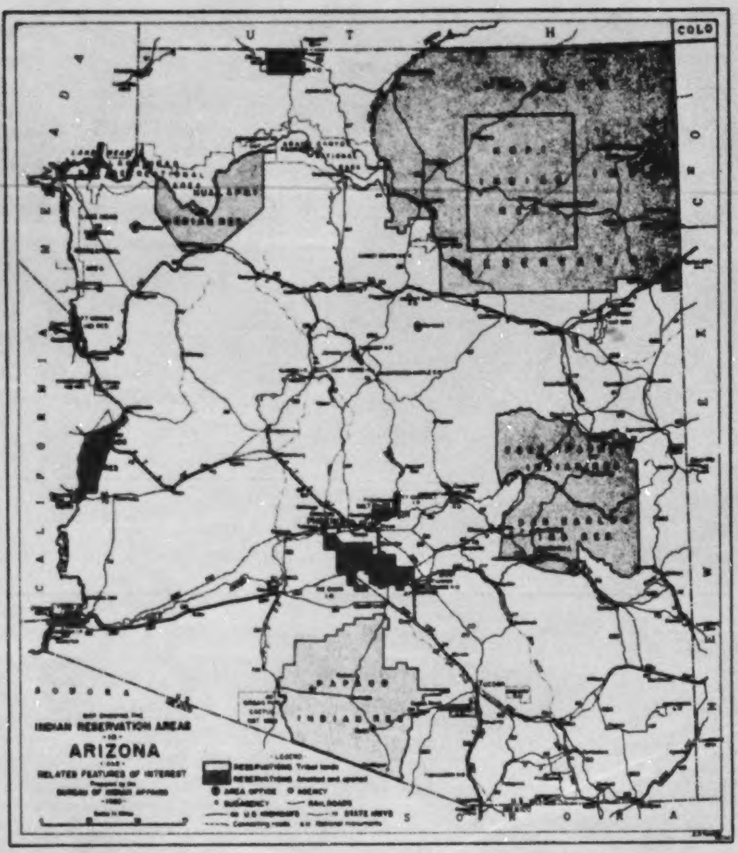
U T A H
COLO
NEVADA
CALIFORNIA
NEW MEXICO
HOPI INDIAN RES
NAVAJO RESERVATION
HUALAPAI INDIAN RES
SAN CARLOS IND RES
PAPAGO INDIAN RES
SONORA
INDIAN RESERVATION AREAS
ARIZONA
RELATED FEATURES OF INTEREST
BUREAU OF INDIAN AFFAIRS
LEGEND
RESERVATIONS Tribal lands
RESERVATIONS Allotted and opened
AREA OFFICE
AGENCY
SUBAGENCY
RAILROADS
U.S. HIGHWAYS
STATE HWYS
Connecting roads
National monuments
S O N O R A

EXHIBIT NO. 11(A) (Continued)

COMMISSION MEMBERSHIP

INDIAN MEMBERS

BILL ALCAIDA (Chairman)------------------------------------CHEMEHUEVI

HAROLD SCHURZ (Vice-Chairman)------------------------------------PIMA

WEST ANDERSON--APACHE

EARL ADAMS---HOPI

THEODORE SMITH---APACHE

NON-INDIAN MEMBERS AT LARGE

WILLIAM SMITH--TUCSON

JOHN SMART---PRESCOTT

EX-OFFICIO MEMBERS

JACK WILLIAMS--GOVERNOR

GARY NELSON-------------------------------------ATTORNEY GENERAL

WELDON SHOFSTALL------------------------SUPT. OF PUBLIC INSTRUCTION

LOUIS KOSSUTH----------------------COMMISSIONER - STATE HEALTH DEPT.

- -

OFFICE STAFF

CLINTON M. PATTEA-------------------------------EXECUTIVE SECRETARY

TONY MACHUKAY--------------------------------------FIELD COORDINATOR

DIANE DANKERL---SECRETARY

ALBERTA ORTIZ--CLERK-STENO

ARIZONA COMMISSION OF INDIAN AFFAIRS
1623 West Adams - Phoenix, Arizona
(85007)

NOTE: March 1972, Mrs. Leona Kakar (Ak-Chin) and Mr. Daniel Peaches (Navajo) were appointed at the term experations of Mr. Schurz and Mr. Theodore Smith.

EXHIBIT NO. 11(A) (Continued)

COMMISSION COMMITTEES/CONSULTANTS

TRIBAL ADVISORS	RESERVATION
Mr. Francis Antone	Ak-Chin
Mr. Vincent Randall	Camp Verde
Mr. Robert Sam Barley	Cocopah
Mr. Adrian Fisher	Colorado River
Mr. Fred Banashley	Fort Apache
Mr. Robert Doka	Fort McDowell
Mr. Alexander Lewis	Gila River
Mr. Alfred Hanna	Havasupai
Mr. Clarence Hamilton	Hopi
Mr. Benedict Beecher	Hualapai
Mr. Bill Tom	Kaibab-Paiute
Mr. Peter MacDonald	Navajo
Mr. Augustine Lopez	Papago
Mr. Paul Smith	Salt River
Mr. Marvin Mull	San Carlos
Mr. Donald Mitchell	Yavapai-Prescott

ANTHROPOLOGY CONSULTANTS

Dr. Charles Griffith, Dept. of Anthropology, N.A.U., Flagstaff
Dr. Emil Haury, Dept. of Anthropology, U. of A., Tucson
Mrs. D. Spencer Hatch, Resource Consultant, Tucson

ECONOMIC CONSULTANTS

Mr. Robert Worden, Director, Arizona Economic & Development
Mr. O. E. Whelan, Industrial Development Specialist, B.I.A.

EMPLOYMENT CONSULTANTS

Mr. Charles Boyle, Administrator, Arizona State Employment Service
Mr. James Gilbert, Area Employment Assistance Officer, B.I.A.

HEALTH CONSULTANTS

Dr. Louis Kossuth, Commissioner, Arizona Health Department
Dr. Charles McCammon, Indian Health Area Director, U.S. Public Health

LAND CLAIMS CONSULTANT

Mr. C. M. Wright, Attorney at Law, Tucson

MINING CONSULTANTS

Mr. John Jett, Director, Arizona Mineral Resources Dept.
Mr. LaFollette Butler, Realty Officer (Mineral Specialist), B.I.A.

EXHIBIT NO. 11(A) (Continued)

LAW AND ORDER CONSULTANTS

Col. James J. Hegarty, Director, Arizona Dept. of Public Safety
Mr. William Wilson, Area Criminal Investigator, B.I.A.

ROAD CONSULTANTS

Mr. Justin Herman, Director, Arizona Highway Department
Mr. George Overby, Area Road Engineer, B.I.A.

WELFARE CONSULTANTS

Mr. John O. Graham, Commissioner, Arizona State Welfare Department
Mr. Byron Houseknecht, Area Social Worker (Navajo Area), B.I.A.

EDUCATION STEERING COMMITTEE

Mr. James Frederick, Coordinator of Indian Programs, N.A.U.
Mr. Gordon Kruts, Coordinator of Indian Programs, U. of A.
Mr. Ray Sorenson, Assistant Area Director (Education), B.I.A.
Dr. Harry Sundwall, Director, Center for Indian Education, A.S.U.
(Vacancy - State Dept. of Public Instruction)

PUBLIC RELATIONS ADVISORY COMMITTEE

Mr. Herbert Surrett (Chairman) - Manager, United Press International
Mr. Bill Stull (Secretary) - News Production Director, KTAR Radio-TV
Mr. Duncan Jennings, President, Jennings & Thompson Advertising
Mr. Edwin McDowell, Editorial Writer, Arizona Republic
Dr. G. D. McGrath, Arizona State University
Mr. Jim Murdock, Radio News Director, KOOL Radio & TV

RECREATION ADVISORY COMMITTEE

Miss Anne M. Pittman (Chairman) - Area Chairman, Womens' Physical Education, A.S.U.
Prof. Leonard Roberts (Secretary) - Dept. of Health, Physical Education, A.S.U.
Mr. Maurice Bateman, Supt. of Mesa Parks & Recreation, Mesa
Mr. Richard Nayatoqa, Hopi Reservation
Mr. Martin Mahone, Hualapai Reservation
Mr. Lee Stanley, Director, Glendale Parks & Recreation
Mr. Graham Wright, State Leader, 4 - H Club Work, U. of A.

EXHIBIT NO. 11(A) (Continued)

COMMISSION MEETINGS

During this fiscal year, the Commission held a total of four meetings as follows:

(1971)

August 20	Commission Business Meeting.
October 8	Commission Business Meeting.
(1972)	
March 10	Special Business Meeting.
June 23	Commission Business Meeting.

Other Meetings Attended:

The Executive Secretary (and in some instances, the Commission Chairman and/or Field Coordinator) attended tribal council meetings upon invitation from the chairmen; affording the individual council members an opportunity to ask questions and to have a better understanding of their Commission of Indian Affairs.

The office has been represented at various Indian-oriented meetings such as: Inter-Tribal Council, U.S. Public Health Service Advisory Board meetings, State Rural Development Committee meetings, Recreation workshops, Personnel Commission meetings, Indian Development District of Arizona meetings, Annual Health and Education conferences, Phoenix Chamber of Commerce Indian Committee meetings, Old Age conferences, Phoenix Indian Center, State Manpower Planning meetings and conferences along with numerous others.

The Commission is a member of the State Programming and Coordinating Committee for Federal Programs administered by the Department of Economic Planning & Development. All federally funded program applications must go through the clearinghouse prior to approval in an effort to maintain up-to-date funding figures and minimize duplications, etc.

EXHIBIT NO. 11(A) (Continued)

PROJECTS COMPLETED
Fiscal Year 1971 - 1972

#1 Annual Report (1971-1972).

#2 Tribal Directory 1972.

Summary: The Directory is but one of the Commission's ways to improve the Indian and non-Indian communication area. The Directory has become one of the most important publications that the Commission compiles for distribution, as it is the only one of its kind.

#3 Senate Bill 1021 - Commission's Enabling Legislation

Summary: The Commission's intent was to improve the working relationships and services to the Indian people and the general public. The bill was formally introduced by Senator O'Connor's committee. It passed the senate successfully and all committees in the house with the exception of rules - where it died.

The Commission will continue trying until we are successful.

#4 Senate Bill 1068 - Economic Security Department

Summary: The Commission would have been included along with seven other agencies in this department, however, at the last moment prior to final passage, the Commission was deleted. This bill was a major state reorganization measure.

#5 State Funds - Indian Services 1970-1971

Summary: We were asked by the Bureau of Indian Affairs to obtain figures as to the amount of actual state funds spent during the 1970-1971 fiscal year for Indian services. These figures were compiled for the Bureau.

#6 Federal Legislative Digest

Summary: This publication is compiled on an annual basis for the legislators and Indian leaders to keep them abreast of federal legislation currently pending or acted upon affecting the Indian people of this state.

#7 Surplus Properties

Summary: With the Viet Nam war deescalation, there is a surplus of government property and equipment. The Commission was contacted and asked to ascertain what the reservations could use in the way of equipment. This was accomplished and a report has been submitted to the Four Corners' Regional Commission. We are awaiting further direction.

EXHIBIT NO. 11(A) (Continued)

#8 Indian-Type Town Hall Meeting

Summary: Following a planning session, a personal survey was conducted by the office staff to ascertain whether or not the tribal leaders would like to have this type of a meeting whereby they would decide on the subject(s) to be discussed and those that shall be invited to attend.

The survey revealed that a meeting was desired and we are currently working very closely with the Arizona Inter-Tribal Council, B.I.A., Wayne Evans and the Governor's office towards this end.

#9 Kaibab-Paiute N.Y.C. Slots

Summary: The Chairman of the Kaibab-Paiute Tribe contacted the Executive Secretary and asked that we assist in seeking information relative to ten NYC slots being deleted.

The Commission made numerous contacts with the Council of Governments whereby communications were opened and the slots restored.

PUBLISHED MATERIALS DISTRIBUTED

(1971)

July 12	Current Commission Membership list.
August 6	Federal Legislative Digest.
August 12	Progress and Financial Reports.
September 8	Letter to Ed Heler - Commission's Position Paper S.B. 1068.
September 15	Commission's August 20, 1971 Business Meeting Minutes.
September 20	Commission's 1970-1971 Annual Report.
September 21	Rules & Regulations Committee Meeting Report relative to our Enabling Legislation.
October 20	Commission's October 8, 1971 Business Meeting Minutes.
October 21	State Fair notice relative to admission tickets.
December 1	Indian-type Town Hall planning meeting materials.

(1972)

January 19	Indian-type Town Hall planning meeting report.
March 1	Progress and Financial Reports.
March 23	Commission's March 10, 1972 Business Meeting Minutes.
March 28	Chart and material relative to S.B. 1068 Economic Security.
March 31	News releases relative to 2nd Annual Arizona Indian Manpower Conference.
April 5	Latest Tribal Leadership mailing list.
April 17	The Cultural Dilemma of American Indians.

COMMISSION HIGHLIGHTS

LEGISLATION:

Senate Bill 1021 - Senator O'Connor's Committee, State, County and Municipal Affairs introduced the bill on January 11, 1972.

The primary purpose of the legislation was to enable the Commission of Indian Affairs to operate more effectively by empowering it to apply for, accept and receive public and private gifts or grants of money or property upon such terms and conditions as may be imposed; initiate or assist programs on reservations and increase the Indian membership from five to seven.

The legislation passed the Senate as written and all House committees with the exception of Rules, where it died.

For many years the Commission's hands have been tied due to restrictive legislation empowering the office to do liaison work, compile and assemble information, etc.; for the first time, it appeared as if the Commission could begin to embard on a more purposeful program in assisting the Indian citizens of this state, however, since the bill died in committee, we will again need to pursue this end until we are successful. (See Appendix #1 for S.B. 1021)

Senate Bill 1068 - Senators Rottas, Corbett, Alexander, et al and Representatives Thelander, McCune, McConnell, et al introduced this bill January 12, 1972.

The purpose of the legislation was to establish a Department of Economic Security to be administered by a Director, wherein seven state agencies were to be reorganized under this department. The state agencies were: State Department of Public Welfare, State Division of Vocational Rehabilitation, Veterans' Service Commission, State Office of Economic Opportunity, Apprenticeship Council, State Office of Manpower Planning and the Commission of Indian Affairs.

The Commission's Chairman and staff attended numerous hearings wherein the position was that the legislation as drafted, was not in the best interest of the Indian people nor the Commission.

At the last hour prior to adjournment of the legislature, the Commission of Indian Affairs was struck from the bill and a proposal drafted to put the Commission directly under the Governor, however, this measure died.

The Commission has since been advised that this would be the procedure and within the next year or two we would be made a part of the Governor's office.

Senate Bill 1068 did pass heavily amended (the Commission was deleted).

EXHIBIT NO. 11(A) (Continued)

COOPERATION WITH STATE FAIR DIRECTOR - INDIAN SECTION:

During the 1971 State Fair, the Commission cooperated very closely with the State Fair Director relative to the Indian section of the Fair.

There had been dissatisfaction on the part of Indian people in 1970 regarding the procedure of charging Indians on Indian Day without advance notice; possible ways to eleviate such a reoccurance was developed and the Commission became actively involved.

It was felt that it would be advantageous for the Commission to assume the responsibilities of administering the Indian section of the Fair, allowing direct Indian in-put.

The Commission sold admission tickets to Indian people during the 1971 State Fair. The office remained open on week-ends to enable the Indian people to obtain tickets. Tickets were also distributed to larger reservations for dissemination.

Total Ticket results: There were 8,131 adult tickets sold and 2,963 children tickets. Total money deposited with the Fair Commission for the tickets was $6,697.

The Commission's Executive Secretary is working closely with the Inter-Tribal Council on Indian participation for the Fair.

The theme for the 1972 State Fair will be Education. The tentative plans are to do away with the present Indian building set up and possibly divide it into equal spaces for the tribes to display exhibits, etc. depicting their culture and tribe.

The Commission is to work with the Fair Director and the new Indian Section Superintendent in responding to the tribal leaders wishes.

The Indian Village will again be constructed depending on adequate funding.

Indian involvement is essential to have aharmonious Indian Section and it has been expressed by the Governor and Fair Director that the Commission is the vehicle to encourage Indian participation.

SURPLUS PROPERTIES:

With the deescalation of the War in Viet Nam, the government has a surplus of properties such as pipes, heavy equipment, duplicating machines, etc.

After conferring with representatives of the governor's office and Four Corners' Regional Commission, our office undertook a project to ascertain what the various tribes could use in the way of surplus properties.

All reservations were contacted and twelve responded indicating needs for specific items.

EXHIBIT NO. 11(A) (Continued)

The responses have been transmitted with a letter to the Four Corners' Regional Commission and we are now awaiting further instructions.

PARTICIPATION IN 18th ARIZONA TOWN HALL MEETING:

The Executive Secretary and Commission Chairman were invited to participate in the 1971 Town Hall held at Castle Hot Springs to discuss Indian Relationships to the over-all state's structure.

The recommendations of the 18th Town Hall were that the State Legislature provide legislation to make necessary changes to enable the Commission of Indian Affairs to accept and administer funds, to enable it to contract for research projects, to furnish necessary funding.

The purposes and recommendations of the Town Hall were then discussed with the tribal leaders. A majority of the tribal leaders also felt that the Commission should have more powers to be effective. (The Commission then developed legislation enhancing our powers).

The office took a personal survey to determine whether or not the tribes would like to have a similar type meeting whereby Indian people would direct the entire meeting as to subject(s), participants, etc. The answer was an overwhelming yes, therefore, we are working with the Arizona Inter-Tribal Council, Wayne Evans, B.I.A. and the Governor's office in bringing about such a meeting.

It appears as if the first meeting will be held with the legislators in the area of interest to the tribes and the theme might be "Indian Leadership Through Indian Initiative."

If this meeting is successful, the Commission may co-sponsor such a conference on an annual basis.

APPOINTMENT OF COMMISSION MEMBERS:

In March 1972, we received confirmation from the governor's office that Mrs. Leona Kakar (Ak-Chin) and Mr. Daniel Peaches (Navajo) had been appointed to the Commission to fill the expired terms of Mr. Harold Schurz (Salt River) and Mr. Theodore Smith (Camp Verde.)

Mr. William Smith (Tucson) was re-appointed for another term.

INTERCOM/72:

The Executive Secretary represented the Commission at a two-day training workshop held in San Francisco and sponsored by the San Francisco Regional Council IX.

The purpose of the workshop was to develop ways of producing effective visual presentations.

EXHIBIT NO. 11(A) (Continued)

With the Commission being authorized to purchase photographic equipment to develop a slide library on Indian affairs, this type of workshop proved to be very beneficial.

CERTIFICATES OF APPRECIATION:

The U. S. Department of Agriculture presented Mr. Pattea (Executive Secretary) along with other members of the Arizona Rural Development Committee a Certificate of Appreciation in recognition for the accomplishments of the committee. This committee is aimed at assisting individual citizens and local government officials by means of formal conferences, consultations and technical assistance. To facilitate communities in their efforts to identify community goals and to pursue their goals.

The Phoenix Chamber of Commerce also presented Mr. Pattea a Certificate of Merit in appreciation for his services to the community as a member of the Chamber's Indian Affairs Committee.

The Chamber appointed the members of the committee to assist them in the ability to effectively be a spokesmen for the business community.

STATE CLEARINGHOUSE MEMBER:

The Executive Secretary has actively participated as a member of the State Programming and Coordinating Committee for federal programs.

The objectives of the committee are to encourage and assist state and local governments in the coordination of programs and resources.

The State Clearinghouse was established and is being administered by the State Department of Economic Planning & Development whereby applications for funding must clear and be approved by the participating members of the committee. This is also to assist in determining the amount of monies coming into the state and the purposes of same.

1972 TRIBAL DIRECTORY:

The Tribal Directory was printed and distributed, however, they were in such demand that the supply was exhausted prior to everyone on our mailing list receiving a copy. Approximately 1,040 were printed and due to budget limitations, another printing is impossible.

EXHIBIT NO. 11(A) (Continued)

1971-1972

FINANCIAL REPORT

			TOTAL EXPENDITURES 1971-1972	AMT. REVERTED (UNUSED)	TOTAL APPROPRIATION 1971-1972
7110	PERSONAL SERVICES		$38,539.12	$1,727.88	$40,267.00
7150	EMPLOYEE RELATED EXPENDITURES (FICA, Workmens Comp., etc.)		3,712.97	589.03	4,302.00
7200	OTHER OPERATING EXPENDITURES				
	7272.0 Maintenance & Repairs	3,541.79	85.70	858.21	4,400.00
	7280.0 Office Supplies		1,387.82		
	7334.0 Stamps		560.00		
	7335.0 Telephone		830.31		
	7349.0 Rental (Hot-Cold Water Unit)		50.96		
	7360.0 Subscription & Organizational Dues		27.00		
	7390.0 Printing - Tribal Directory		600.00		
7230	TRAVEL - OUT OF STATE		216.46	283.54	500.00
7220	TRAVEL - STATE				
	7221.0 Mileage (Own Car)	5,720.75	2,256.60	2,279.25	8,000.00
	7222.0 Meals & Lodging		2,312.65		
	7273.0 Taxis, etc.		- 0 -		
	7224.0 Vehicle Expense (State Car)		1,151.50		
7430	CAPITAL OUTLAY - EQUIPMENT		190.65	9.35	200.00
	TOTALS		$51,921.74	$5,747.26	$57,669.00

BREAKDOWN:		
	Total Appropriation	$57,669.00
	Less Expenditures	-51,921.74
	Amount Reverting	$ 5,747.26

NOTE: Due to the numerous legislative hearings relative to Senate Bill 1021 and Senate Bill 1068, our activities (travel) were curtailed to quite an extent.

EXHIBIT NO. 11(A) (Continued)

SPECIAL FEATURE: AK-CHIN PROFILE

HISTORY: The Ak-Chin Indian Reservation with administration offices in Ak-Chin near Maricopa, Arizona, was established in 1912 for a small Papago group which originally migrated from the Papago Reservation in 1874. The small band of Papagos from the now KaKa District of the Papago Indian Reservation had at first settled and built their village around Sacate Mountain which lies 10 miles north of the present Ak-Chin Indian Reservation. A historian 1/ has noted that the reason why the original band of about 120 Papago members decided to relocate was mainly for agricultural purposes. These Papagos found that the area called "Ak-Chin" meaning "mouth of the arroyo," was suitable for farming because of the availability of natural water sources from seasonal floods and because the drainage plains as a result of the wide flooding in the area was adaptable for cultivation and production of crops. At a later date some Pimas joined the Papagos at Ak-Chin and this is the reason there are both Papagos and Pimas on the Ak-Chin Community (tribal) roll, however, it is dominantly Papago.

During the "Normal" flood periods in 1910 and 1911, the small Ak-Chin tribe was threatened with extinction because very little water from summer rains had been realized. Having recognized this near-disaster of the Ak-Chin people, the Federal government took action to prevent such occurrences by setting aside the Ak-Chin area as an Indian reservation and as a part of U.S. trust lands. Immediately, thereafter, the government began to assist the newly-enfranchised tribe with their economic development. This development took form in the drilling of irrigation wells. To provide water for 625 acres of farm lands, three electrically-operated wells were drilled. Since then agriculture has been a mainstay of Ak-Chin reservation Indians, supplemented by livestock raising and federal programs, along with jobs in the surrounding community.

TRIBAL GOVERNMENT: The governing body of the community is the Ak-Chin Indian Community Council consisting of a Chairman, Vice-Chairman and three council members who receive extensive powers from the membership of the community through the tribal election process. These general powers exercised by the Ak-Chin Community Council subject only to U.S. Statutes and Secretary of the Interior regulations. Some of these powers are: representing the community in official negotiations, appointing of subordinates to the council, promotion and protection of health, peace, morale, education, and general welfare of the Community, administration of all community property, tribal budget approvals, selection of legal counsel, community land assignments, assessment of the membership for tribal projects and other purposes, control of community assets, maintaining an up-to-date community tribal roll, and so forth 2/.

1/. Bertha Parkhurst, in a copy of Master's Thesis found at the Education Materials Center, Sacaton, Arizona.

2/. Articles of Association of the Ak-Chin Indian Community Council was approved on December 20, 1961.

EXHIBIT NO. 11(A) (Continued)

ECONOMIC DEVELOPMENT: From the original inhabitants of 120 Papagos, the Ak-Chin Reservation population for 1972 is now an estimated 317. Main family income is $2,700 which is reflected in the area of farm wages only. While 11,000 acres are now being irrigated, it is expected that future expansion for more land development will be curtailed due to the serious drop in the level of underground water sources.

So far, in the past five years, only the rehabilitation and reorganization of Ak-Chin's farm lands have taken place. It is possible that in the next few years, a limited acreage of tribal lands will be developed and preserved for upland game birds. Other resources development must come from nearby industries. $742,000 E.D.A. grant for the Ak-Chin Reservation has been approved for an industrial site through I.D.D.A., South Central Planning area.

GAME AND WILDLIFE: The question, "Is hunting permissable on the Ak-Chin Reservation" is often asked by non-Indian hunters. The answer is "yes" for dove, quail, and rabbit hunting. The tribal government administrates, regulates and cooperates with both Arizona and U.S. Fish and Game Departments in enforcing laws and preservation of wildlife. Permits are obtainable and further information is available through the Ak-Chin Tribal Farms office. However, the possession of a state license is necessary before tribal permits can be issued to non-Indians.

LAW AND ORDER: Generally, the responsibility for law enforcement and judicial power in local matters pertaining to violation of tribal codes within the reservation boundaries, is retained by the tribe's police and court systems. Other more serious matters affecting both Indian and non-Indian are referred to the Federal courts, while the Pinal County Sheriff's office by agreement with the tribal council, enforces all criminal cases other than felonies on the Ak-Chin Reservation. 4/ Presently a juvenile detention center at Ak-Chin is under construction to supplement the tribe's law and order program.

HEALTH: In matters of health, diabetes is considered to be a serious health problem by the tribe. Also noted as health problems of concern are: dental care, children's diseases, lack of health education, excessive drinking, and health conditions arising out of accidents related to alcohol. Public Health Service records indicate that the leading causes of morbidity has been diabetes and respiratory diseases. Medical care for Ak-Chin people is available at the hospital in Sacaton and at the Phoenix Indian Medical Center in Phoenix. Regular visits to the Ak-Chin Community are made by a Public Health Nurse. Unlike many isolated Indian communities, visits to hospital and dental clinics, and special emergency transportation is provided by the tribe on a 24-hour basis.

EDUCATION: Approximately 76 children including 17 high school students attend public schools in nearby Maricopa. Primary education for preschool, kindergarten, first, and second grade youngsters is carried out

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1/. Extracted from a Phoenix Area B.I.A. report on the Ak-Chin Tribe, pp. 45 & 46.

2/. Law and Order Code, Ak-Chin Indian Community, 1970.

at the Ak-Chin Community Facility. It is reported by tribal officials that four students have enrolled at Federal boarding schools, while four Ak-Chin residents will be entering college this year. Additionally, adult basic education classes and extension courses have been initiated to provide the kinds of education courses requested by the tribe. Funds are also available for any enrolled member of Ak-Chin to attend college on a full-time basis.

There is no question that the tribe will continue to develop, increase and strengthen its educational level relative to state requirements in the years ahead; as with many other tribes, this has been one of the tribe's primary goals.

SOCIAL ACTIVITIES AND CULTURE: On a community-wide basis, two of the biggest social and recreational eventsthat take place annually at Ak-Chin are the October 4th St. Francis Church Feast Day and the tribal election held in conjunction with a large barbecue sponsored by the tribe on the 2nd Saturday of January. Other gatherings of the tribe are also drawn together at nearby Indian reservations and cities for dances, festivals, sporting events, rodeos, barbecues, church socials and other recreational past times.

As the authors of "OUR BROTHER'S KEEPER" have pointed out (p. 185) "The Indian accepts the inevitability of change for it is the one constant he has known." In this sense, it can hardly be concluded that the culture of the tribe is "dying out", only changing, since much of the history and traditional ways of the Ak-Chin people is retained within the native songs and language, and still remembered by elders of the tribe. Hopefully, the cultural change will be a tribal effort for the better.

HOUSING: Total houses on Reservation 38. Adequate houses 30 with 5 to be constructed by 1972. Community has own housing program. Houses built with profits from tribal farm.

EMPLOYMENT: Total labor force is 66 consisting of 42 males and 24 females. Total employed is 66 (42 male and 24 female). There are 52 permanently employed and 14 temporarily employed. Almost all employment is with the tribal farm.

APPENDIX #1

(Action: Died in House Rules)

Senate Bill 1021 Introduced January 11, 1972 by Majority of Committee on State, County and Municipal Affairs.

AN ACT

RELATING TO STATE GOVERNMENT; PROVIDING FOR AN INCREASE IN MEMBERS OF INDIAN AFFAIRS COMMISSION; PRESCRIBING THE COMMISSION AS THE SOLE AND OFFICIAL AGENCY IN INDIAN AFFAIRS; PRESCRIBING POWERS AND DUTIES, AND AMENDING SECTIONS 41-541 AND 41-542, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-541, Arizona Revised Statutes, is amended to read:

41-541. Commission of Indian Affairs; members; officers; voting; meetings; compensation.

A. The Arizona Commission of Indian Affairs shall consist of the governor, the superintendent of public instruction, the director of public health and the attorney general, who shall be ex officio members and ~~five~~ SEVEN from among the Indian tribes. Each tribe or tribal council may submit the names of not to exceed two members of its tribe and from the names so submitted, the governor shall appoint the ~~five~~ SEVEN Indian members.

B. The term of office of each appointive member shall be three years. The terms of ~~two~~ THREE appointive members shall expire on the first Monday in January each year.~~, except that on the first Monday in January of each third year, the terms of three members shall expire.~~ Each member shall hold office until his successor is appointed and qualifies. Appointment to fill a vacancy caused otherwise than by expiration of a term shall be for the unexpired portion thereof.

C. Members of the commission serving by virtue of their office shall serve without compensation. Appointed members shall receive compensation as determined pursuant to section 48-611 for each day of attendance upon meetings.

D. The commission shall elect a chairman and a vice-chairman, who shall be appointive members, and adopt rules and regulations for the conduct of meetings. A record shall be kept of all proceedings and transactions.

E. The commission shall meet at least twice each year at such times and places as it determines, and may hold meetings upon the call of the chairman. A majority of the appointed members of the commission shall constitute a quorum for the transaction of business, but ex officio members may vote. Members who fail to attend three consecutive meetings shall be deemed to have resigned but the commission may for good cause grant leaves of absence to its members.

F. THE COMMISSION HAS THE POWER TO APPLY FOR, ACCEPT, RECEIVE AND EXPEND PUBLIC AND PRIVATE GIFTS OR GRANTS OF MONEY OR PROPERTY UPON SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE DONOR AND FOR ANY PURPOSE PROVIDED FOR BY THIS ARTICLE.

Section 2. Section 41-542, Arizona Revised Statutes, is amended to read:

41-542. Powers and duties; studies and hearings; cooperation between federal, state and local agencies; reports

A. The commission shall consider and study conditions among Indians residing within the state. The studies shall be made to accumulate, compile and assemble information on any phase of Indian affairs. For such purpose the commission may hold hearings, make investigations, and confer with officials of local, state and federal agencies in order to secure cooperation between the federal, state and local governments in the promotion of the welfare of the Indian people.

B. The commission shall make a written annual report, giving an account of its proceedings, transactions, findings, and recommendations to the governor and the legislature, and shall from time to time submit such other reports as may be necessary.

C. THE COMMISSION MAY INITIATE OR ASSIST PROGRAMS ON A RESERVATION ONLY UPON THE REQUEST OF OR WITH THE APPROVAL OF THE TRIBAL COUNCIL FOR SUCH RESERVATION.

Section 3. Initial terms of additional members

Of the two additional members of the Indian affairs commission authorized by this act, one shall be appointed to serve an initial term expiring on the first Monday of January, 1973, and one shall be appointed to serve an initial term expiring on the first Monday of January, 1974. Thereafter, all subsequent appointments shall be for a term of three years.

--------- means delete
CAPS mean New

EXHIBIT NO. 11(A) (Continued)

SUMMATION

In submitting this Annual Report, the Arizona Commission of Indian Affairs and the staff wishes to acknowledge the many individuals and elected officials in all levels of government for contributing their time to the progress and well-being of the Indian people of this State. Our special appreciation goes to the tribal leaders and council members of each of the reservations for their continued support.

The Commission realizes the complex difficulties in achieving social and economic progress on Indian reservations. To obtain, improve and understand these facts concerning their conditions, it was necessary for the Commission staff to travel 35,238 miles on 141 reservation trips and 2,399 miles to bordering communities and attending Indian-oriented conferences.

The Executive Secretary and in several instances the Field Coordinator and Commission Chairman, were invited to attend and participate in council meetings wherein beneficial understanding on both sides was achieved. This is part of an educational program to inform the tribal leadership of the assistance the Commission can be in various areas and in turn the reservation leaders are able to relay their desires and concerns.

The Commission is grateful to the State Legislature for the backing and the financing of our office. We are hopeful that a statutory change in the near future of our enabling legislation will provide the necessary powers and authority to achieve beneficial goals, thus allowing us to move as rapidly as possible, keeping in mind that the Indian people should and must be involved in determining their own destiny, yet bearing in mind the needs and well-being of all citizens of this State.

Respectfully submitted,

Clinton M. Pattea

CLINTON M. PATTEA,
Executive Secretary

CMP/dd

EXHIBIT NO. 11(B)

PROPOSED LEGISLATION - 1973

41-1401. Civil rights division; advisory board; terms; vacancies; organization; quorum; compensation

A. There is created the civil rights division within the department of law which shall include the Arizona civil rights advisory board. The board shall be composed of seven members who shall be appointed by the governor with the advice and consent of the senate. Not more than four of the members shall at any one time be of the same political party. Each member shall serve for a term of three years. Of the members of the board first appointed two shall be appointed for terms ending January 31, 1966, two for terms ending January 31, 1967, and three for terms ending January 31, 1968.

B. Appointment to fill a vacancy resulting other than from expiration of terms shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed the appointee shall serve the remainder of the unexpired term. An appointment to fill a vacancy shall be subject to the same limitation with respect to party affiliations as the original appointment.

C. The board shall elect from its membership a chairman and vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman, or in the event of a vacancy in the office.

D. Four members of the board shall constitute a quorum, except that if the chairman appoints a subcommittee of the board in majority of the members of the subcommittee shall constitute a quorum. The concurrence of four of the members when in session as a board shall be the act of the board.

EXHIBIT NO. 11(B) (Continued)

E. Each member shall receive compensation as determined pursuant to § 38-611 for each day in which he participates in meetings, but not to exceed one thousand dollars in any fiscal year.

F. For the purposes of this chapter, "board" means the Arizona civil rights advisory board and "division" means the civil rights division within the department of law.

41-1402. POWERS AND DUTIES OF THE DIVISION

A. The division may:

1. Employ an executive director for the board and other necessary personnel whose compensation shall be as determined pursuant to § 38-611.

2. Subject to the provisions and restrictions of this chapter, cooperate with and enter into agreements with the United States equal employment opportunity commission, and carry out and perform the covenants and conditions of any written agreement.

3. Waive jurisdiction in such cases where the division determines that compliance cannot be obtained under the provisions of this chapter.

B. The division shall:

1. After studying recommendations of the civil rights advisory board, adopt, promulgate, amend and rescind rules and regulations which are reasonable and necessary to carry out the provisions of this chapter.

2. Administer the provisions of this chapter and direct the board or a subcommittee thereof consisting of two or more

members, at least one of whom shall be of each major political party, to mediate and conciliate disputes with respect to discrimination when its jurisdiction is sought.

3. Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin or ancestry in the enjoyment of civil rights by any person within the state as prescribed by this chapter.

4. Report from time to time, but not less than once a year in December, to the legislature and the governor, describing its activities and accomplishments during the year, and shall file with them a copy of all recommendations of the division as to additional remedial action by legislative enactment or otherwise.

5. Foster, through community effort, in cooperation with both public and private groups, the elimination of discrimination based on race, color, religion, sex, national origin or ancestry.

6. Issue publications of results of studies, investigations and research as in its judgement will tend to promote good will and the elimination of discrimination based on race, color, religion, sex, national origin or ancestry.

7. Furnish persons subject to the provisions of this chapter such assistance as may be reasonably necessary to further compliance with the provisions of this chapter.

14-1403. INVESTIGATORY POWERS OF THE DIVISION, POWER OF SUBPOENA, ~~TESTING OATHS~~ TESTIMONY AND OATHS, CONTEMPTS, RIGHT TO COUNSEL

A. THE DIVISION OR ITS DULY AUTHORIZED EMPLOYEES SHALL AT ALL REASONABLE TIMES HAVE ACCESS TO, FOR THE PURPOSE OF EXAMINATION, AND THE RIGHT TO COPY ANY EVIDENCE OF ANY PERSON

BEING INVESTIGATED OR PROCEEDED AGAINST THAT RELATES TO ANY MATTER UNDER INVESTIGATION OR IN QUESTION. THE DIVISION SHALL HAVE THE AUTHORITY TO ISSUE SUBPOENAS REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES OR ITS PRODUCTION OF ANY EVIDENCE WHICH RELATE TO ANY MATTER UNDER INVESTIGATION OR IN QUESTION.

B. The division may subpoena witnesses at hearings and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of books and papers relating to any matter before the division. Failure to obey a subpoena issued pursuant to this article shall constitute a contempt punishable upon application of the division by the superior court.

C. Any person appearing before the division shall have the right to be represented by counsel.

ARTICLE 2. VOTING RIGHTS

41-1421. Voting rights

A citizen of the United States who is a resident of the state of Arizona and is qualified to become an elector as prescribed by the terms of § 16-101, and who is otherwise qualified by law to vote at any election by or in the state, county, city, town, school district or any other political subdivision, shall be entitled and allowed to vote at all such elections without discrimination because of race, color, religion, sex, national origin or ancestry.

ARTICLE 3. PUBLIC ACCOMMODATIONS

41-1441. Definitions

In this article, unless the context otherwise requires:

1. "Person" means an individual, corporation, partnership, unincorporated association, or other organization, and includes the owner, lessee, operator, proprietor, manager, superintendent, agent, or employee of any place of public accommodation.

2. "Places of public accommodation" means all public places of entertainment, amusement or recreation, all public places where food or beverages are sold for consumption on the premises, all public places which are conducted for the lodging of transients or for the benefit, use or accommodation of those seeking health or recreation and all establishments which cater or offer its services, facilities or goods to or solicits patronage from the members of the general public. Any residential house, or residence in which less than five rooms are rented, or any private club, or any place which is in its nature distinctly private is not a place of public accommodation.

41-1442. Discrimination in places of public accommodation; exceptions

A. Discrimination in places of public accommodation against any person because of SEX, RELIGION, race, color, creed, national origin or ancestry is contrary to the policy of this state and shall be deemed unlawful.

B. No person shall, directly or indirectly, refuse to, withhold from, or deny to any person, nor aid in or incite such refusal to deny or withhold, accommodations, advantages, facilities or privileges thereof because of SEX, RELIGION, race, color, creed, national origin, or ancestry, nor shall distinction be made with respect to any person based on SEX, RELIGION, race, color, creed, national origin, or ancestry in connection with the price or quality of any item, goods or services offered by or at any place of public accommodation.

C. Any person under the influence of alcohol or narcotics, or who is guilty of boisterous conduct, or who is of lewd or immoral character, or who is physically violent, or who violates any regulation of any place of public accommodation that applies to all persons regardless of race, color, creed, national origin, or ancestry, may be excluded from any such place or public accommodation and nothing in this article shall be considered to limit the right to such exclusion.

ARTICLE 4. DISCRIMINATION IN EMPLOYMENT

41-1461. Definitions

In this article, unless the context otherwise requires:

1. "Employer" means a person who has ~~twenty~~ FIFTEEN or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include a bona fide private membership club (other than a labor organization) which is exempt from federal taxation under section 501 (C) of title 26, United States Code. 1 The term shall include the state and any political subdivision thereof.

2. "Employment agency" means and includes both public and private employment agencies and any person ~~having-an-office~~

regularly undertaking, with or without compensation, to procure ~~opportunities to work; or to procure; recruit; refer or place employees.~~ EMPLOYEES FOR AN EMPLOYER OR TO PROCURE FOR EMPLOYEES OPPORTUNITIES TO WORK FOR AN EMPLOYER AND INCLUDES AN AGENT OF SUCH PERSON.

3. "Labor organization" means and includes any organization or labor union, craft union, or such organization conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprentice's jobs or application for apprenticeships.

4. "Person" means and includes one or more individuals, THE STATE, ITS AGENCIES, BOARDS AND COMMISSIONS, POLITICAL SUBDIVISIONS OF THE STATE, COUNTIES AND CITIES, partnerships, associations or corporations, legal representatives; trustees, receivers, or other organized groups of persons.

5. "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY AN EMPLOYER, EXCEPT THAT THE TERM "EMPLOYEE" SHALL NOT INCLUDE ANY PERSON ELECTED TO PUBLIC OFFICE IN THE STATE OR POLITICAL SUBDIVISIONS THEREOF BY THE QUALIFIED VOTERS THEREOF, OR ANY PERSON CHOSEN BY SUCH OFFICER TO BE ON SUCH OFFICER'S PERSONAL STAFF, OR AN APPOINTEE ON THE POLICYMAKING LEVEL OR AN IMMEDIATE ADVISER WITH RESPECT TO THE EXERCISE OF THE

EXHIBIT NO. 11(B) (Continued)

CONSTITUTIONAL OR LEGAL POWERS OF THE OFFICE. THE EXEMPTION SET FORTH IN THE PRECEDING SENTENCE SHALL NOT INCLUDE EMPLOYEES SUBJECT TO THE MERIT SYSTEM LAWS OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF.

6. "RELIGION" INCLUDES ALL ASPECTS OF RELIGIOUS OBSERVANCE AND PRACTICE, AS WELL AS BELIEF, UNLESS AN EMPLOYER DEMONSTRATES THAT HE IS UNABLE TO REASONABLY ACCOMMODATE TO AN EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S RELIGIOUS OBSERVANCE OR PRACTICE WITHOUT UNDUE HARDSHIP ON THE CONDUCT OF THE EMPLOYER'S BUSINESS.

41-1462. Discriminatory Practices

Unlawful discriminatory practices shall be:

1. For an employer, because of the race, sex, religious creed, color, national origin or ancestry of any person, to refuse to hire or employ him or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment or TO LIMIT, SEGREGATE, OR CLASSIFY HIS EMPLOYEES OR APPLICANTS FOR EMPLOYMENT IN ANY WAY WHICH WOULD DEPRIVE OR TEND TO DEPRIVE ANY INDIVIDUAL OF EMPLOYMENT OPPORTUNITIES OR OTHERWISE ADVERSELY AFFECT HIS STATUS AS AN EMPLOYEE, BECAUSE OF SUCH INDIVIDUAL'S RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

2. For a labor organization to EXCLUDE OR TO EXPEL FROM ITS MEMBERSHIP, OR OTHERWISE TO DISCRIMINATE AGAINST, ANY INDIVIDUAL BECAUSE OF HIS RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN, OR TO LIMIT, SEGREGATE, OR CLASSIFY ITS

MEMBERSHIP, OR APPLICANTS FOR MEMBERSHIP OR TO CLASSIFY OR FAIL OR REFUSE TO REFER FOR EMPLOYMENT AN INDIVIDUAL, IN ANY WAY WHICH WOULD DEPRIVE OR TEND TO DEPRIVE ANY INDIVIDUAL OF EMPLOYMENT OPPORTUNITIES OR WOULD LIMIT SUCH EMPLOYMENT OPPORTUNITIES, OR OTHERWISE ADVERSELY AFFECT HIS STATUS AS AN EMPLOYEE OR AS AN APPLICANT FOR EMPLOYMENT, BECAUSE OF SUCH INDIVIDUAL'S RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN, OR TO CAUSE OR ATTEMPT TO CAUSE AN EMPLOYER TO DISCRIMINATE AGAINST AN INDIVIDUAL IN VIOLATION OF THIS SECTION.

3. For any employer, or employment agency, or LABOR ORGANIZATION to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses directly or indirectlv, any limitation, specification or discrimination, as to race, color, religion, sex, national origin, or ancestry, or expresses any intent to make any such limitation, specification or discrimination, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, national origin or ancestry when religion, sex, national origin or ancestry is a bona fide occupational qualification for employment.

4. For an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed in a lawful manner any practices forbidden under this chapter, or because he has filed a complaint, testifies or assists in any proceeding under this article.

EXHIBIT NO. 11(B) (Continued)

5. For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this article or to attempt to do so.

6. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this article.

7. FOR ANY EMPLOYER, LABOR ORGANIZATION, OR JOINT LABOR-MANAGEMENT COMMITTEE CONTROLLING APPRENTICESHIP OR OTHER TRAINING OR RETRAINING, INCLUDING ON-THE-JOB TRAINING PROGRAMS TO DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE OF HIS RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN ADMISSION TO, OR EMPLOYMENT IN, ANY PROGRAM ESTABLISHED TO PROVIDE APPRENTICESHIP OR OTHER TRAINING.

41-1463. Exempt Employment Practices

Notwithstanding any other provision of this article, it shall not be an unlawful employment practice:

1. For an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, ancestry or national origin in those certain instances where religion, sex, ancestry or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. For a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, ancestry or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any ability test, provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, ancestry or national origin.

4. To include any action or measure taken by an employer, labor organization, joint labor-management committee or employment agency with respect to an individual who is a member of the communist party of the United States or of any

other organization required to register as a communist-action or communist-front organization by final order of the federal subversive activities control board pursuant to the federal subversive activities control act of 1950. (1)

5. For an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any executive order of the president if such individual has not fulfilled or has ceased to fulfill that requirement.

41-1465. Interpretation Relating to Imbalance

The provisions of this article shall not be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, ancestry or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, ancestry or national origin employed by an employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, ancestry or national origin in the state or any community, section, or other area, or in the available work force in the state or any community, section, or other area.

41-1466. Exempted Employment

This article shall not apply to AN EMPLOYER WITH RESPECT TO THE EMPLOYMENT OF ALIENS OUTSIDE OF THE STATE OR a religious corporation, association, EDUCATIONAL INSTITUTION or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, EDUCATIONAL INSTITUTION or society of its ~~religious~~ activities, ~~or-to-an-educational-institution with-respect-to-the-employment-to-perform-work-connected-with the-educational-activities-of-such-institution~~.

ARTICLE 5. ENFORCEMENT PROCEDURES

41-1481. Complaint by person aggrieved; investigation; hearing; finding; order; REMEDIES; CIVIL PENALTY: ACTION BY ATTORNEY GENERAL

A. Any person claiming to be aggrieved by an alleged discriminatory practice or act contrary to the provisions of this chapter OR THE DIVISION may, within ~~sixty-days~~ ONE HUNDRED AND EIGHTY DAYS from the date of the alleged practice or act, file with the civil rights division of the department of law a verified complaint in writing which shall state the name and address of the person alleged to have committed the practice or act complained of, the particulars of the alleged discrimination and such other information as may be required by the division. After a complaint is filed and found to be in proper order, the division shall make an investigation of the charge.

B. If, upon investigation, the division determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate such alleged unlawful practice through means of conference, conciliation and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the division without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the civil rights advisory board or the division who shall make public any information in violation of this section may be dismissed for cause.

C. If, upon investigation, the division finds that no unlawful discriminatory practice or act has occurred, the division shall notify the complaining party AND RESPONDENT in writing of this fact.~~and-the-complaining-party-may-within thirty-days-thereafter;-file-a-complaint-with-the-justice-of the-peace-in-the-precinct-where-the-alleged-discriminatory practice-or-act-occurred;-as-prescribed-by-the-provisions-of section-22-311.~~

D. If, the division is unable to eliminate the discriminatory practice through conference, conciliation or persuasion, it shall issue and cause to be served upon the person complained against a copy of the complaint filed with the division together with a notice of hearing before the board, or a subcommittee thereof. The complaint and notice shall be served on the party complained against at least five days before the date of the hearing.

E. Upon completion of the hearing, the board shall make recommendations to the division. The division shall, within thirty days from the date the hearing is concluded, enter an order setting forth its findings of fact and serve a copy of such findings on all parties. If the division finds that an unlawful discriminatory practice or act has been committed, it shall serve upon the party found to have committed such practice or act an order directing the party to cease and desist from such conduct OR PRACTICE; AND MAY FURTHER ORDER REMEDIAL EQUITABLE RELIEF AS MAY BE APPROPRIATE. IN DISCRIMINATORY EMPLOYMENT PRACTICE CASES RELIEF MAY INCLUDE BUT IS NOT LIMITED TO HIRING AND REINSTATEMENT OF EMPLOYEES WITH OR WITHOUT BACK PAY. ANY PERSON WHO HAS BEEN FOUND BY THE DIVISION TO HAVE VIOLATED ANY PROVISION OF THIS CHAPTER MAY BE ASSESSED BY THE DIVISION A CIVIL PENALTY UP TO $10,000 PER VIOLATION. THE CIVIL PENALTY ASSESSED SHALL BE PAID INTO THE GENERAL FUND.

F. WHENEVER A COMPLAINT IS FILED WITH THE DIVISION AND THE DIVISION CONCLUDES ON THE BASIS OF A PRELIMINARY INVESTIGATION THAT PROMPT JUDICIAL ACTION IS NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER OR TO PREVENT ITS FRUSTRATION, THE DIVISION MAY BRING AN ACTION FOR APPROPRIATE TEMPORARY OR EQUITABLE RELIEF PENDING FINAL DISPOSITION OF THE COMPLAINT. ANY TEMPORARY RESTRAINING ORDER OR OTHER ORDER GRANTING

EXHIBIT NO. 11(B) (Continued)

PRELIMINARY OR TEMPORARY RELIEF SHALL BE ISSUED IN ACCORDANCE WITH RULE 65 OF THE ARIZONA RULES OF CIVIL PROCEDURE. IT SHALL BE THE DUTY OF THE SUPERIOR COURT TO ASSIGN THE CASE FOR HEARING AT THE EARLIEST PRACTICAL DATE AND TO CAUSE SUCH CASE TO BE IN EVERY WAY EXPEDITED.

G. THE SUPERIOR COURT SHALL HAVE JURISDICTION OF ACTIONS BROUGHT UNDER THIS CHAPTER.

H. IN ANY CASE IN WHICH A PERSON, EMPLOYER, EMPLOYMENT AGENCY, OR LABOR UNION FAILS TO COMPLY WITH AN ORDER OF THE DIVISION, THE DIVISION MAY COMMENCE PROCEEDINGS IN THE SUPERIOR COURT TO COMPEL COMPLIANCE WITH SUCH ORDER.

I. WHENEVER THE DIVISION HAS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OR RESISTANCE TO THE FULL ENJOYMENT OF ANY OF THE RIGHTS SECURED BY THIS CHAPTER AND THAT THE PATTERN OR PRACTICE IS OF SUCH A NATURE AND IS INTENDED TO DENY THE FULL EXERCISE OF THE RIGHTS HEREIN DESCRIBED, THE DIVISION MAY BRING A CIVIL ACTION IN THE SUPERIOR COURT BY FILING WITH IT A COMPLAINT (1) SIGNED BY THE ATTORNEY GENERAL, (2) SETTING FORTH FACTS PERTAINING TO SUCH PATTERN OR PRACTICE, AND (3) REQUESTING SUCH RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR PERSONS RESPONSIBLE FOR SUCH PATTERN OR PRACTICE, AS HE DEEMS NECESSARY TO INSURE THE FULL ENJOYMENT OF THE RIGHTS HEREIN DESCRIBED. ANY PERSON WHO HAS BEEN FOUND BY THE COURT TO HAVE VIOLATED THIS SECTION MAY BE ASSESSED A CIVIL PENALTY NOT TO EXCEED $10,000. THE CIVIL PENALTY ASSESSED SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

41-1482. ~~SUBSEQUENT VIOLATION; COMPLAINT; PENALTY~~

A. ~~Upon the filing of a complaint against a person who has previously been served with a cease and desist order the commission shall immediately investigate the charge.~~

B. ~~If, upon investigation, it determines that there is probable cause to believe that a discriminatory practice or act has occurred, it shall issue and cause to be served upon the person complained against a copy of the complaint filed with the commission together with a notice of hearing before the commission. The notice shall specify the date, time, and place of the hearing and in no event shall the date specified be less than ten nor more than twenty days from the date of issuance thereof. The complaint and notice shall be served on the party complained against at least five days before the date of the hearing.~~

C. ~~If, upon investigation, the commission determines that no discriminatory practice or act has occurred, it shall immediately notify the complaining party who shall thereafter have thirty days within which to file a complaint with the justice of the peace of the precinct where the alleged discrimination occurred, as prescribed by the provisions of section 22-311.~~

D. ~~The commission shall within fifteen days from the date the hearing is concluded enter an order setting forth its findings of fact and serve a copy of such findings on all parties.~~

E. ~~If the commission finds that an unlawful discriminatory practice or act has occurred, it shall direct a member or the complaining party to file a complaint with the justice of the~~

~~peace of the precinct where the discriminatory practice or act is alleged to have occurred, as prescribed by the provisions of section 22-311.~~

~~F. If the commission finds that no unlawful discriminatory practice or act has occurred, the complaining party may, within thirty days thereafter, file a complaint with the justice of the peace of the precinct where the alleged discriminatory practice or act occurred, as prescribed by the provisions of section 22-311.~~

~~G. If the commission fails to enter an order setting forth its findings within fifteen days from the date of the hearing, the complaining party may, within thirty days thereafter, file a complaint with the justice of the peace of the precinct where the discriminatory practice or act is alleged to have occurred, as prescribed by the provisions of section 22-311.~~

41-1482. RECORDS

EVERY EMPLOYER, EMPLOYMENT AGENCY, AND LABOR ORGANIZATION SUBJECT TO THIS CHAPTER SHALL (1) MAKE AND KEEP SUCH RECORDS RELEVANT TO THE DETERMINATIONS OF WHETHER UNLAWFUL EMPLOYMENT PRACTICES HAVE BEEN OR ARE BEING COMMITTED, (2) PRESERVE SUCH RECORDS FOR SUCH PERIODS, AND (3) MAKE SUCH REPORTS THEREFROM, AS THE DIVISION SHALL PRESCRIBE BY REGULATION OR ORDER, AFTER PUBLIC HEARING, AS REASONABLE, NECESSARY, OR APPROPRIATE FOR THE ENFORCEMENT OF THIS CHAPTER OR THE REGULATIONS OR ORDERS THEREUNDER. THE DIVISION SHALL, BY REGULATION, REQUIRE EACH EMPLOYER, LABOR ORGANIZATION, AND JOINT LABOR-MANAGEMENT COMMITTEE SUBJECT TO THIS ARTICLE WHICH

CONTROLS AN APPRENTICESHIP OR OTHER TRAINING PROGRAM TO MAINTAIN SUCH RECORDS AS ARE REASONABLY NECESSARY TO CARRY OUT THE PURPOSE OF THIS CHAPTER INCLUDING, BUT NOT LIMITED TO, A LIST OF APPLICANTS WHO WISH TO PARTICIPATE IN SUCH PROGRAM, INCLUDING THE CHRONOLOGICAL ORDER IN WHICH APPLICATIONS WERE RECEIVED, AND TO FURNISH TO THE COMMISSION UPON REQUEST, A DETAILED DESCRIPTION OF THE MANNER IN WHICH PERSONS ARE SELECTED TO PARTICIPATE IN THE APPRENTICESHIP OR OTHER TRAINING PROGRAM. ANY EMPLOYER, EMPLOYMENT AGENCY, LABOR ORGANIZATION, OR JOINT LABOR-MANAGEMENT COMMITTEE WHICH BELIEVES THAT THE APPLICATION TO IT OF ANY REGULATION OR ORDER ISSUED UNDER THIS SECTION WOULD RESULT IN UNDUE HARDSHIP MAY APPLY TO THE DIVISION FOR AN EXEMPTION FROM THE APPLICATION OF SUCH REGULATION OR ORDER, AND, IF SUCH APPLICATION FOR AN EXEMPTION IS DENIED BRING A CIVIL ACTION IN THE SUPERIOR COURT WHERE SUCH RECORDS ARE KEPT. IF THE DIVISION OR THE COURT, AS THE CASE MAY BE, FINDS THAT THE APPLICATION OF THE REGULATION OR ORDER TO THE EMPLOYER, EMPLOYMENT AGENCY, OR LABOR ORGANIZATION IN QUESTION WOULD IMPOSE AN UNDUE HARDSHIP, THE DIVISION OR THE COURT, AS THE CASE MAY BE, MAY GRANT APPROPRIATE RELIEF. IF ANY PERSON REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION FAILS OR REFUSES TO DO SO, THE SUPERIOR COURT UPON APPLICATION OF THE DIVISION ISSUE TO SUCH PERSON AN ORDER REQUIRING HIM TO COMPLY.

41-1483. Procedure

~~No complaint, under the provisions of section 22-311 shall be filed by a complaining party without first following and complying with the provisions of the article.~~

41-1483. VETERANS PREFERENCE

NOTHING CONTAINED IN THIS CHAPTER SHALL BE CONSTRUED TO REPEAL OR MODIFY ANY LAW CREATING SPECIAL RIGHTS OR PREFERENCE FOR VETERANS.

41-1484. CONCURRENT JURISDICTION OF POLITICAL SUBDIVISION

A. Any duly enacted ordinance or resolution of any city, town, county or other political subdivision not inconsistent with the provisions of this chapter is hereby approved, authorized and given concurrent jurisdiction with the provisions of this chapter.

B. Nothing contained in this chapter shall permit the filing of a complaint for an alleged discriminatory practice or act if a complaint regarding the same discriminatory practice or act has previously been filed under the provisions of a duly enacted ordinance or resolution of any city, town, county or other political subdivision.

~~41-1485. Violation;-penalty~~

~~Any-person-found-guilty-of-a-violation-of-any-provision-of-this-chapter-shall-be-punished-by-a-fine-not-to-exceed-three-hundred-dollars.~~

EFFECTIVE DATE

THIS ACT SHALL TAKE EFFECT ON JULY 1, 1973.

EXHIBIT NO. 12

November 18, 1972
U.S. Civil Rights Commission
Hearing
Phoenix, Arizona

Commissioners:

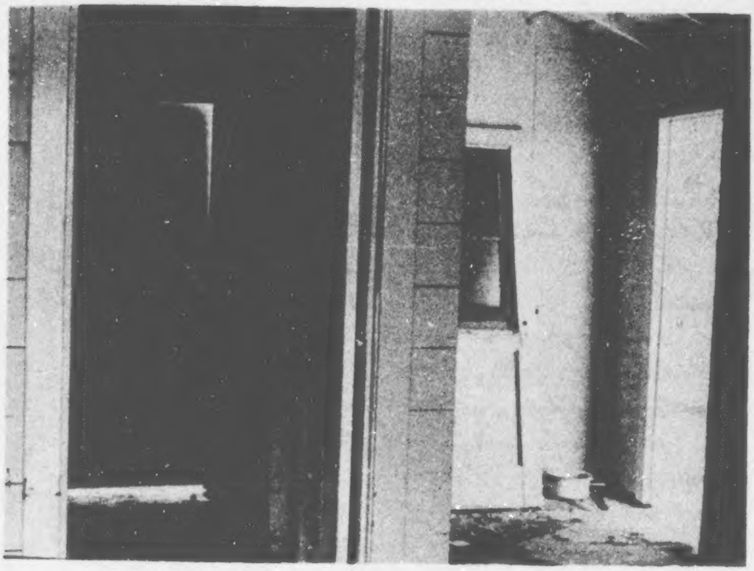
These photographs are submitted to the U.S. Civil Rights Commission by the National Indian Youth Council. The photographs were taken within the last week. The subject of the photographs is the company housing for Indians in Ajo, Arizona. The housing is owned by Phelps-Dodge mining company.

The National Indian Youth Council is an organization founded in 1961 with over 15,000 members. NIYC sponsored the protest in Ajo last summer over the death of Philip Celaya, Papago youth, at the hands of a Pima County deputy sheriff. NIYC has chapters and members in Arizona. NIYC is headquartered in Albuquerque, New Mexico.

We believe these photographs speak for themselves. They are submitted to inform the Commission on the plight of Papago people in Ajo.

Respectfully
Gerald Wilkinson, ex. dir.
NIYC
201 Hermosa N.E.
Albuquerque, N.M 87108
505-266-7966

EXHIBIT NO. 12 (Continued)



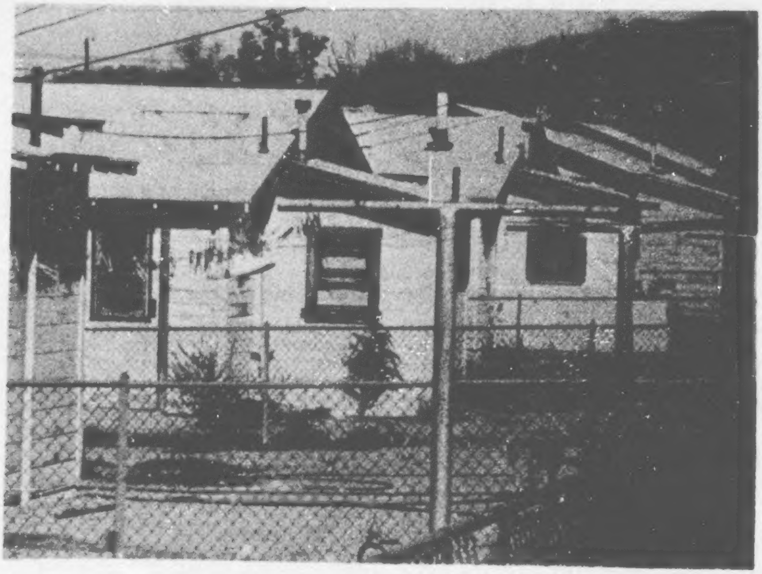
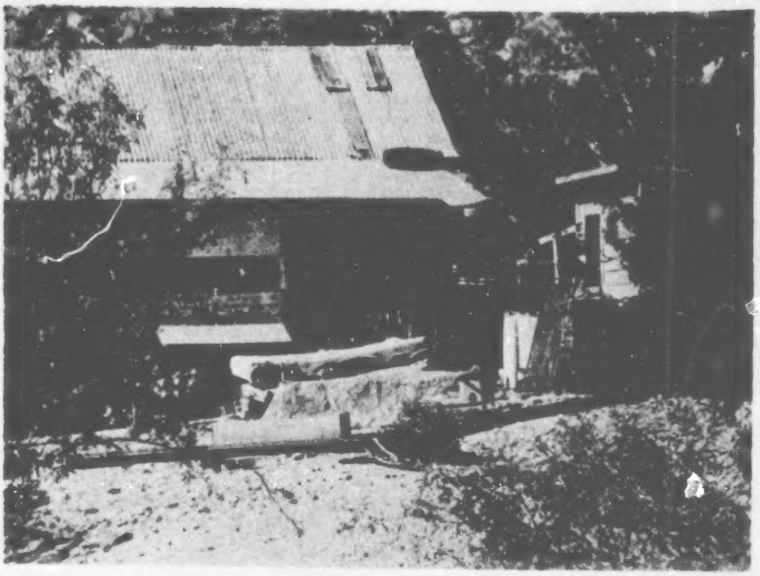


EXHIBIT NO. 12 (Continued)



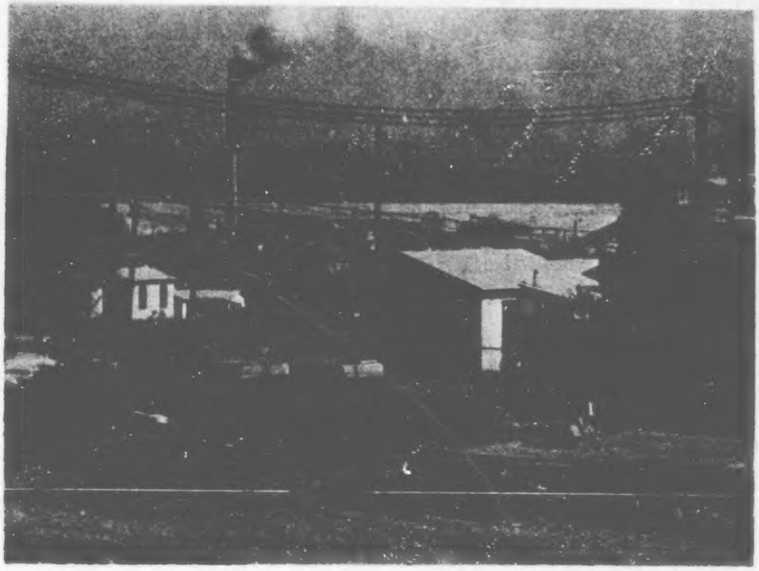


EXHIBIT NO. 13

The author of this statement has a Bachelor of Arts Degree from the University of Illinois and a Master's in Cultural Anthropology from the University of Arizona. He has worked with a Colombian development program in the Peace Corps. While a graduate student at the University of Arizona he worked in the Bureau of Ethnic Research and was involved in a Gila River Indian Community Model Cities research study. The author also taught courses on Contemproaray Southwestern Indians, North American Indians, and other courses in anthropology. Finally, from August 1972 through October of the same year the author was a Research Associate for the Southwest Indian Youth Center, Tucson.

> "If one is sincere,
> It furthers one to bring even a small offering.
> No blame."
> The I Ching

CIVIL RIGHTS AND INDIAN YOUTH

Robert G. Smeaton

From my own personal involvement over the last few years with Southwestern Indians this statement is an attempt to show two areas where Indians most clearly are not being given the right to participate in institutions that affect Indian lives. As cases in point, I will look at the institution of off-reservation boarding schools and in particular the boarding school at Stewart Nevada, and another institution that deals with Indian youth, namely the Southwest Indian Youth Center.

The Off-Reservation Boarding School

In the year 1879 the first off-reservation boarding school was created at Carlisle Pa. in the hope of bringing Western education and "civilization" to the Indian youth of that time. Arizona with the highest Indian population

(2)

of any state and about 1/5 of all the Indians in the U.S. was early to become involved in the boarding school movement.(Before Arizona was a state)

> The boarding school emphasis, which set in during the 1880's, continued to dominate thinking about Indian education until the period shortly after the first World War. It was responsible for the creation not only of boarding schools on Indian reservations, but also of larger, more elaborately staffed and equipped schools in off-reservation locations.
>
> Arizona's first off-reservation boarding school was the Training School at Tucson, built with federal funds in 1888, for operation by the Home Mission Board of the Presbyterian Church. Two years later a school--both built and run by the Bureau, was established at Fort Mohave. In 1891 the largest of the state's off-reservation schools--the Phoenix Indian School--held its first classes.(Officer,1956)

These schools,run by non-Indians,were noted for their philosophy of removing the Indian student from his home and community,strict military discipline, a work study program, and an emphasis upon industrial arts.

Today, unfortunately, the off-reservation boarding schools are still with us. Some of the"strict military discipling" has been removed, but it is still there in part. The schools are still mostly run by non-Indians. (more on this point below) Worst of all, the schools are "off-reservation" meaning that they are separated, often by a great distance or more than 1000 miles,from the communities where the Indian students come from. (more on this point below) This great distance between the home community and the school effectively eliminate family supervision and community control over their own youth's education. Some effort is being made to reduce this problem by naming Indian run school boards and committees, yet by the fact of the distance, the number of Indian communities represented at each off-reservation boarding school, and by the fact that most of the administrators and educators are non-Indian,

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would make this seem to only be a token effort.

Stewart Indian School

The Stewart Indian School is an off-reservation boarding school that has been in operation since the turn of the century. The school is located in central Nevada near Reno and Carson City--not far from the California state line. Many of the buildings are made from red cut stones that were hauled by the Indian students back in the 1920's from a nearby prison rock quarry. The Stewart Indian School is one of three high school off-reservation boarding schools that are now being sent Indian students from all over the greater Southwest. The other two are located in Phoenix, Arizona and Riverside, Calif. These three off-reservation Indian high schools are administered and funded through the Phoenix Area Office of the Bureau of Indian Affairs, Education Branch.

Recently when I was employed by the Southwest Indian Youth Center, I was given the assignment to travel to Stewart Nevada and collect certain data from the comprehensive student files at that Indian School. The Research Branch of the Southwest Indian Youth Center, funded by a three year grant from the Crime and Delinquency Division of the National Institute of Mental Health was trying to gather comparative data from off-reservation boarding school in an attempt to understand Indian youth "behavior problems." Since Ray Sorenson, Director of Education in the B.I.A. Phoenix Area Office, had given the ok on this data collection from the student files no problems were encountered at the Stewart Indian School. Thus I had the opportunity to spend several weeks at the Steward Indian School--Aug.-Sept.1972--going through each male Indian students file, starting in the year 1964 and following through to the present.

As an example of"administrative procedure" it should be noted that during the last school year,1971-1972, nine non-Indian Stewart administrators had "negotiated" with the Indian Student Council and finally approved the

EXHIBIT NO. 13 (Continued)

(4)

"Students' Bill of Rights and Responsibilities." This agreement clearly states that information from student files would not be released without student written permission. Well this must be another example of a broken Indian contract since students were not asked if they minded the S.I.Y.C., a private organization, going through their files. It might be mentioned that at that time the B.I.A. was negotiating with the S.I.Y.C. for a contract.

In any event, the time spent going through student files at Stewart was very informative on the workings of this off-reservation boarding school. The first thing that one learns from a student file is the method by which a student is referred to the boarding school. Some Indian communities have no local high school or nearby public school. One such example would be the lack of a high school on the Hopi Reservation. In these cases the B.I.A. as a matter of course refers all the students that finish 8th grade to one of the three off-reservation boarding schools mentioned above. The other major category of referral is what the B.I.A. calls a "social referral." With the social referral often there is a community school, but the B.I.A. officials feel that the home environment is not "suitable" for the Indian student and thus he or she is sent to a distant off-reservation boarding school. Sometimes this is related to the Indian families economic situation, since it costs the family more to support a student in a local school than at a B.I.A. off-reservation school. An example of the social referral system would be on the Papago reservation where there is a B.I.A. high school at Sells Arizona, yet a great number of Papago youth are sent to the Stewart Boarding School in central Nevada.

The procedure for a "social referral" is for the B.I.A. Agency to send a social worker to evaluate Indian students home environment. The results of the social workers "research" are found in a two or three page "social summary" found in the students file. At Stewart, for example, more than 60% of the students are social referrals and thus have these "social sumarries."

Unfortunately, most all the social workers at the reservation level are non-Indians. Thus because these social workers are not part of the Indian community and in general insensitive to the reality of Indian culture the statements in the social summary are very often paternalistic in nature and even racist in tone. For example, one reads statements such as "These people live like animals--" or "the father makes a living wage but has no desire to move out of the filth ridden shack that they occupy."(meaning that they live in a home of traditional Indian design) Again one often sees statements to the effect that the child is being raised by a grandparent or other relative as if this were a crime. In fact,in some Indian communities it is very normal to have a grandparent raise a child for a time.

With all these examples the key point should not be lost, namely,that Indian communities are not being given the opportunity to decide on the future of their own youth. It is obviously a critical decision when a social worker decides to send an Indian youth to a distant boarding school, both from the individuals point of view and the loss to the family and community.

One also learns from the student files and class rosters that a great number of Indian tribal groups are being affected by this system. At the same time one sees how far "off" is an off-reservation school, or that is the great distance that students are being forced to travel. Edward H. Spicer in his book A Short History of the Indians of the United States,p.116, gives the reason why the off-reservation boarding school system was developed: "It was conceived in terms of driving a wedge between children and parents and thus hastening the process of cultural assimilation." To show that this "wedge" is still working see Chart I.

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Chart I

Composition of the student body, Pre-high school through High School, School Year 1971-1972, at Stewart Indian School, Stewart, Neveda.

TRIBE AND LOCATION	MALE	FEMALE
Apache, Arizona	44	17
Pima, Arizona	38	36
Papago, Arizona	31	29
Paiute, Nevada	20	18
Shoshone, Nevada and Utah	11	9
Goshute, Utah	6	2
Hualapai, Arizona	10	6
Navajo, Arizona	2	5
Hopi, Arizona	15	14
Ute, Utah	11	2
Washoe, Nevada	4	8
Nomelaki, Calif.	--	1
Pomo-Yuki, Calif.	--	1
Noi-ma, Calif.	--	2
Cocopah, Arizona	3	1
Tule, Calif.	--	1
Warm Springs, Oregon	--	1
Mission, Calif.	1	1
Mohave, Arizona	1	2
Pit River, Calif.	--	4
Yakima Walla Walla, Oregon	--	2
Klamath, Oregon	1	1
Maricopa, Arizona	4	--
Sho-Bañnock, Idaho	3	3
Quechen, Calif.	1	--
Maidu-Miwok, Calif.	1	--
Wapo, Calif.	1	--
Yavapai, Arizona	1	--
Havasupai, Arizona	3	2
TOTAL	212	168

From my brief stay at the Stewart Indian School one overriding theme sticks in my mind, namely that almost all the staff are non-Indian. (See Chart II below for the Indian non-Indian breakdown.) In the survey for the year 1971-1972 no Indians held any of the top 12 administrative positions and only a few Indians held teaching positions. There were Indians in low level dormitory positions. At the start of the school year 1972-1973, when I was visiting Stewart, the situation was the same as the year before. Anything else positive that can be said about Stewart is overshadowed by this one critical failure to have Indian staff at all admistrative and teaching levels. This means, for example, that the Indian students will never have a role model or person to emulate in a high level administrative position. This means, for example, guidance in career selection will come from a non-Indian that may not even know the real needs of the student or the community from which he or she comes. This means, for example, that Indians again are not being given the opportunity to make decisions for themselves. Finally, this means that the same handout-paternalistic approach that has sometimes characterized B.I.A. dealings over the past one hundred years will continue into the future.

SOUTHWEST INDIAN YOUTH CENTER

The second institutional example of questionable treatment of Indian youth comes from my personal observations while I was employed as a Research Associate for the Southwest Indian Youth Center (S.I.Y.C.) from Aug. 1972 through Oct. 31, 1972.. Again I will have to be critical of this type of operation, but for some rather different reasons.

EXHIBIT NO. 13 (Continued)

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Chart II

Composition of the teaching and administrative staff with reference to Indian and non-Indian background for the school year 1971-1972, at the Stewart Indian School, Stewart, Nevada. (Note: only key staff positions included in the survey)

POSITION	INDIAN	NON-INDIAN
Educational Program Director		XX
Principal		XX
Social Worker		XX
Activities Director		XX
Teacher Supervisor Pre-High		XX
Teacher Supervisor Secondary		XX
Teacher Supervisor Academic		XX
Girls Department Supervisor		XX
Boys Department Supervisor		XX
Education Specialist		XX
Supervisor Guidance		XX
Director Vocational Guidance		XX
TOTAL	0	12
Teachers and Instructors approximately	5	35

Many Dormitory employees were Indian

(The reference for this survey was the Stewart Student Yearbook, Desert Braves, 1972)

EXHIBIT NO. 13 (Continued)

The S.I. Y. C. is a "behavior modification" experimental program that uses only male Indian youth for "subjects." The S.I.Y.C. is located in what had been a prison on Mt.Lemon, just outside of Tucson Arizona. The site was somewhat renovated and the experimental program began in the spring of 1970. Later a series of six "halfway houses" were added to the program in Tucson.

The operation at the Center (S.I.Y.C.) is kept alive by a number of different contracts and grants. These include the Bureau of Indian Affairs (B.I.A.), the United States Bureau of Prisons, the Arizona State Department of Corrections, the Arizona State Department of Vocational Rehabilitation, the Utah State Department of Public Welfare, the Maricopa County Welfare Department, and the Pima County Welfare Department. Recently the Centers contract with the Manpower Development and Training Administration was revoked and thus, S.I.Y.C. was forced to eliminate the vocational training aspect of their program. In August,1972, a three year grant was awarded to the Research Department of the Center by the National Institute of Mental Health. All the funds are administered through the Indian Development District of Arizona, a private non-profit organization that has an Indian Board of Directors.

The founders of the "behavior modification" aspect of the program and current central staff are three non-Indian Ph.D.s that all received their Degrees from the University of Kansas, 1969,1970,and 1971Their names,-major field, and position in the S.I.Y.C. as of Aug. 1972 were: David K. Giles,Ph.D., psychology, Executive Director ; Virgil W. Harris,Ph.D.,psychology, Research Director;and Betty M. Hart,Ph.D. human development, Program Director. September, 1972, saw one change in that Philip Tsosie, a Navajo Indian was rotated to the Executive Director position and David K. Giles took the Assistant Director that had been held by Tsosie. Although this was done in

EXHIBIT NO. 13 (Continued)

an attempt to blunt the charges that non-Indians were using Indians in their experiments, it should be clear that because of the nature of an experimental program the Ph.D.s must play the key roles.

Specifically, S.I.Y.C. program on Mt. Lemon is an experiment to see if the methods of "behavior modification" as developed in psychology would affect a group of Southwest Indian youth that have had records of delinquent acts. At present there are about 70 male Indian youth--average age of 17 years old--in the experimental program. This program is not voluntary, instead the Indian youth are committed by court action. The length of stay in the Center is open-ended, with release only coming after the youth passes through four "levels" of "behavior modification." Thus a youth could spend 2 years or more in the program being bounced back and forth between "levels." (See Appendix A.)

To demonstrate that this is in reality an "experiment" upon a minority group, let me give a few statements written by Virgil W. Harris, Research Director, in his grant application that was approved by the National Institute of Mental Health, August 1972:

> Recently a technology of treatment known as behavior modification has suggested that prosthetic environments can be created and maintained for individuals whose behavior deviates from the limits created by society. (Ullman and Krasner, 1963; Krasner and Ullmann, 1965; Baer, Wolf and Risley, 1968) p.22
>
> ... In view of the success of behavior modification programs with institutionalized populations, an incentive reinforcement system was adopted at the Southwest Indian Youth Center in order to determine if the details of such a program could meet equal success with a unique population.
>
> ... In a number of ways, however, the program at the Youth Center can be viewed as novel to other existing programs. Its unique subject population renders the effective adoption of procedures found effective in other programs somewhat speculative. p.24

From the same grant application let me also demonstrate the paternalistic and very distorted view of reservation life and Indian culture as presented by Harris:

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> "...Indian reservation communities at this time, are not able to cope with their own economic problems, much less the pronounced delinquency problem.
>
> There is a fundamental problem of community survival due to the lack of residents capable of functioning and contributing to the development of the community.
>
> ...There are such pervasive problems as extreme poverty, hunger, lack of identity, and the feelings of hopelessness and helplessness which are the rule rather than the exception of reservation living.
>
> ...In addition, there are youth who are lost in the limbo of reservation life--looking for an escape from their environment."p.24

It appears that Lawrence, Kansas may not be the best place to learn about Southwest Indians. In a more serious vain, one should ask, What will happen to Indian communities if their youth are always sent to institutions such as the Southwest Indian Youth Center?

The problems of crime and juvenile delinquency on the Indian reservation is a long and complex matter that can only be understood in its social and cultural setting. The delinquency problem of Indian youth often center on drinking and the use of other harmful drugs such as glue and the acts caused while using these drugs. This often is a serious problem in Indian communities and Indian leaders should be encouraged to search for culturally appropriate solutions. One way of not dealing with the problem at the community level is to send the youth to an experimental center such as the one on Mt. Lemon where they become data on graphs in psychology books.

One final charge against the S.I.Y.C. is that when the "behavior modification" system fails the junvile is being held as a matter of course in the Pima County Jail, sometimes for a week or more in an effort to force cooperation in the Center's program. As most know this adult Jail has a very bad record of overcrowding and other problems within its walls.

Assimilation Models

Briefly, the assimilation model as developed from anthropological observations is concerned with the fate of a minority cultural group when in contact with a much larger or dominant cultural group. Given a long enough period of time, what often happens in these situations is that the smaller group in an effort to survive changes its norms, speech, dress, customs, etc. to that of the dominant group. When the assimilation process is complete the identity of the minority group is lost and the culture is extinct.

It might be of interest to compare the assimilation models from the two examples of the Stewart Boarding School and the Southwest Indian Youth Center. As stated above in the quote by Spicer the off-reservation boarding school, such as Stewart, were explicitly developed with assimilation of Indian culture as the goal. Today, for example, at Stewart most of the male graduates are either sent to the Haskell Indian Junior College, Lawrence, Kansas, or the student with B.I.A. approval enrolls in a Adult Vocational Training program. The complete list of instructional majors offered at the B.I.A. run Haskell Indian Junior College are: accounting, auto mechanics, business education, baking, cooking, carpentry, costume shop, dental assisting, data processing, electronics, electricity, food service, general education, home decoration, laboratory technician, letterpress, linotype, meat cutting, machine technology, masonry, offset camera, offset press, painting, practical nursing, refrigeration/sheet metal, radiation technology, technical drafting,and welding. Further, on the reservation community there are few jobs using any of the above skills, thus the Indian youth is forced to the city and the assimilation process continues. The same is true of the Adult Vocational Training programs, where a varity of skills are taught such as vending machine repair, house painting,and auto painting. Again these skills are not in line with

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real community needs at the reservation level. Thus, it should be evident that the B.I.A. using the off-reservation boarding school in conjunction with schools and programs such as the Haskell Indian Junior College is very much still in the"assimilation camp."

The Southwest Indian Youth Center that takes young males form the reservation for "rehabilation" might ideally be a program that would rehabilitate Indian youth for valuable roles on the reservation, but again this program is clearly an assimilation attempt. The Centers six halfway houses are all in non-Indian, middle-class neighborhoods and the youth are sent to a middle-class, non-Indian, "East-side" high school. With the total separation from both the reservation Indian community and also even the Tucson Indian community, the only result that can be expected will be assimilation. Thus the Southwest Indian Youth Center is also an assimilation program, although this is not their stated goal.

Hopefully this statement for the United States Civil Rights Commission will give Indian leaders ideas on how they might best protect their Rights.

Appendix A.

Behavior Modification

The Southwest Indian Youth Center is a test of "behavior modification" theory. Most college students that have enrolled in an elementary psychology course have had the opportunity to experiment with labratory rats. Simple experiments are set up to observe changes in the rats behavior patterns as different types of reinforcement or reward and punishment systems are used. The time that it takes to condition a rat to a certain pattern is measured and then the system of reinforcement can be changed to see how this will affect later observable patterns. The students are warned against the "dangers" of imputing human feelings on the rat, rather only observable acts should be measured and this data recorded.

The Youth Center on Mt. Lemon is involved in the same type of experiment, only the systems of rewards and punishments are more complex and the subjects are Indians instead of rats. Briefly, the behavior modification program at the Center is founded on the concept of "levels" At level IV the subjects are given the least amount of freedom and material rewards. There are three more levels with level I being release from the center. Reinforcement systems include points, money, free time, home leave, teacher approval, and time in the Pima County Jail (negative). Each level has different rules and these rules are changed from time to time to test different theories. For example, Oct. 1972 saw removal of the "yes-no" system and the changing of point values. As an example, now 20 points are added at level IV for each "positive interaction with the teacher," meaning talking to the teacher without asking for something. Other independent behavior modification experiments have been run such as the Punctuality Study, the Lock-stept-Chain (learning test) Study, the Crossword Puzzle Study, and a Leather Study. All the data is compiled and plotted on graph paper for psychology papers.

EXHIBIT NO. 14

Testimony of Dr. Jon M. Greif Nov. 18, 197

709 Vista Way
Prescott, Ariz. 86301

My name is Dr. Jon M. Greif. I am a 27 year old physician presently living in Prescott, Arizona. I was a U.S. Public Health Service general medical officer in the Indian Health Service from July 1, 1971, until my voluntary resignation which became effective July 7, 1972. The following are excerpts from a letter I wrote to my lawyer, my congresswoman Hon. Bella Abzug, and Sen. Edward M. Kennedy, one month prior to my separation from the Indian Health Service, in which I discuss several of the circumstances leading to my resignation, circumstances which I believe will be of interest to this commission in the course of its investigation of the Indian Health Service.

"....I believe that all physicians have a moral obligation to directly serve the public, more specifically, those citizens most in need of medical care and least able to obtain it, at least for a period of their careers.

"Because serving as a physician for the military would have been unconsciounable for me, I began, while still in medical school, considering alternatives to military service. The only "military" service I felt that I could, in good faith to my beliefs, perform was as a physician for either American Indians or federal prisoners, both offered through the USPHS. And so, in December, 1969, I applied for a commission in the USPHS. It was not until Spring of 1971, as I was completing my internship...that I received notice of my acceptance into the Indian Health Service....

"Now, let me tell you about my experience at [my duty station] Keams Canyon Indian Hospital....

"Keams Canyon [Arizona] Indian Hospital is 300 miles from Phoenix, the location of the Phoenix Indian Medical Center, the referral Hospital to which we were to refer our problem cases. The hospital at Keams Canyon is a hopelessly inadequate physical plant (in spite of being one of the newest in the Indian Health Service). Originally planned to care for 5000 Hopi Indians and approximately an equal number of Navajos, the hospital population soon swelled to between 25 and 30,000 [the current number of active clinic charts]....Of the six physicians originally assigned to Keams Canyon [in July, 1971], only two had any training beyond one year of internship (these 2 had one additional year of residency)....We were expected to learn through experience, providing comprehensive health care to the people. My case was fairly representative in that I had never before [without supervision] set a fracture, delivered a baby, done even minor surgery. I learned all of these skills through experience, but at what cost to my patients. [I did obstetrical procedures, performed minor and major emergency surgery, and treated cases that I had often, at best, only seen before, occasionally never saw before and had only learned through reading] ...Because of the shortage of physicians, or the enormity of the load (we saw 34,000 patients in the clinic last year), 2 of 3

we each worked 108 hours a week.

"[another] problem which I must mention is the referral situation. As I said, the Phoenix Indian Medical Center was 300 miles away...[There was] a small air strip without lights, and we could not count on the weather or daylight to be adequate for air evacuation of our serious cases. The Gallup Indian Medical Center at 110 miles away (in Gallup, New Mexico, a facility of a different divisional area) had become our chief referral hospital. We sent these serious cases by ambulance over a road that was long, dark, narrow and tortuous for a hazardous 2½ hour ride. I say Gallup 'had become...' because this year, because of budget cuts in the Indian Health Service, Gallup would, on occasion, refuse a case, on the grounds that we, being of the Phoenix area, should spend Phoenix money for our referrals. As it was, because of the distance and money involved we didn't refer many cases that we should have -- cases that no general practitioner in his right mind would treat without consultation of specialists. The loser was the Indian.

"When we raised these issues there were reprisals, not solutions, from Phoenix. I was not the most vociferous of the group in criticism of the Indian Health Service. A San Francisco physician who arrived at Keams Canyon a week before I did was far and away the most vocal critic. He also had a personal ax to grind. He was a future surgeon, and he had joined the PHS with the promise that he would be stationed with a surgical team. Keams Canyon is over a hundred miles from the nearest operating room. After 8 months of formal complaints about the deplorable state of affairs at Keams Canyon Hospital, something was finally done. Dr. S. was transferred to Shiprock, New Mexico. He was not replaced, and so each man's patient load went up 17%. Our station leave was cancelled by administrative order. Dr. W. took up the cause, and, last month [May, 1972] he was recalled to Phoenix where he spent his last 2 months in the USPHS with no hospital duties or priviliges.....He was replaced with a foreign-trained physician who had absolutely no clinical experience, and so our work load increased once again.

"In April I made my decision to resign. I felt as if the Indian Health Service were a huge boulder which was running down a hill with tremendous [illegible] ~~inertia~~, and for 9 months, I had been trying to just slow it down (not even thinking about changing its course). Anyway, the frustration was more than I could or would take, and so I wrote Dr. McCammon (the Phoenix area director) a brief letter of resignation. I felt that because there would be no new physicians coming into the service until July, and already being shorthanded, I should stay through July, and, I could also help orient the new physicians. I re-

EXHIBIT NO. 14 (Continued)

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ceived no other reply than my separation papers to fill out and return, and I was ordered to in no way communicate with the new physicians, and to plan to be out of Keams Canyon before they arrived."

Along with my discharge, officially honorable, I was denied all travel benefits and demoted one grade in rank.

This letter was concerned solely with problems dealing directly with medical staffing at Keams Canyon Hospital, and not mentioned were the shortage of personnel and incompetence of staff at all other levels within the hospital, which is monumental.

I received no reply from Senator Kennedy. Ms. Abzug forwarded my letter to the Chief of the Medical Service Branch of the Indian Health Service, Dr. Donald Swetter, with the following recommendation: "I believe it is imperative that you look closely at the charges that Lt. Greif has made and that you recommend an investigation of the Keams Canyon facility." To the best of my knowledge no such investigation was carried out. Furthermore, I don't consider Keams Canyon to be an aberration within an otherwise adequate system of health care delivery. From my discussions with other medical officers throughout the Indian Health Service, the situation at Keams Canyon is typical of that throughout the Indian Health Service.

Since leaving the Indian Health Service I have had time to consider possible solutions to the problem of delivering to the Navajo and Hopi people the kind of high quality health care which is their inherent right as human beings and citizens of the world's most wealthy nation.

1. Ultimately problems will exist until such time as Navajo and Hopi people are trained as physicians and assume the full responsibility for their own health needs, obviating the presence of a government health service composed of physicians who may be well-meaning, but remain insensitive to the needs and lifestyles of these people.

2. For now, more and better trained physicians are needed in the outlying facilities, such as Keams Canyon. The current policy of sending raw recruits into the highest risk areas, while the more experienced physicians and all the specialists gravitate toward the big city medical centers is, in my mind, absurd.

3. Because of the present physician shortage within the Indian Health Service, a physician's full time is spent in treating existing illness.. If more funds were allotted for the hiring of adequate personnel, efforts could be made in the areas of preventive medicine, and such diseases which are unheard of in other American population, such as diphtheria (we had 25 cases, 4 fatal, in Keams Canyon alone last year), could once and for all be eliminated.

Jon M. Greif

EXHIBIT NO. 15

PROJECT APACHE

November 18, 1972

Gentlemen:

I would like to thank you for this opportunity to speak before you this afternoon. I am the on-site Project Director of Project Apache, a contract maternal and infant care program which has been underway for a year and a half at Whiteriver. The need for such a program was based primarily on an infant mortality rate of about three times the national average at Whiteriver. I am also the former Service Unit Director at the Whiteriver Service Unit of the Indian Health Service. From my vantage point of observation and experience over the past two and a half years in Whiteriver, I would like to present testimony on the Indian Health Service.

I am sure that you have heard many criticisms of the quality of care delivered to Indians in Indian Health facilities and I am sure that you have heard that the Indian Health Service is doing the best possible job that it can. I would like to state that I believe both points of view are probably valid.

EXHIBIT NO. 15 (Continued)

I think there is no question that the Indian Health Service is doing the best possible job it can within the limits of its manpower and financial resources. However, the manpower and financial resources available are extremely limited and the quality of care which can be provided is therefore also limited. I have observed directly the personnel at Whiteriver working very hard to provide the best standard of medical care they know how to provide, and I have observed these people being very frustrated for a long time by the knowledge that they are not able to provide the quality of care that they are capable of by virtue of their training.

Repeatedly the Service Unit, and I know this is true of other service units, has requested more money, more equipment and more staff that are absolutely essential to good basic medical care. Positive responses have been received from the Area Office. Area Office personnel have stated that they were well aware of the needs, and agreed that these needs must be met. Repeatedly federal funding has been such that the new operating budgets for the Service Units do not allow for the necessary improvements in staff and equipment.

As an example, last year I reviewed the patient load of our hospital, both inpatient and outpatient, and applied Air Force standards on hospital staffing to arrive at a figure on staffing requirements for the Whiteriver

EXHIBIT NO. 15 (Continued)

Hospital. The figure was 110 personnel in all facets of operation, administration, clinical and support. The staffing level of the hospital at that time was 68 people, obviously far short of what is considered standard in other branches of the government. Veterans Administration hospital standards and Hill Burton standards also call for similar figures, approximately 110 staff members to support the hospital which is being run by 68. Although this has been pointed out, not only last year but many times in the past, there has as yet been no significant response to increase the level of staffing. In fact, this year's budget is less than last year's.

As another illustration of the severity of this problem of lack of resources and manpower, I used the fiscal year 1971 statistics of inpatient days, outpatient visits and newborn days, and based on a rate of $60.00 per hospital day, $7.00 per outpatient visit and $15.00 per newborn day, arrived at a figure of $1,072,200 worth of medical care which could be said to have been delivered to the Indian population at Whiteriver. This does not include any kind of contract services, special procedures, transportation to Phoenix, specialist consultation, etc. In spite of this, in fiscal year 1972, the current fiscal year, the hospital operating budget is less than $800,000.

It has been said over and over by the Indian people that the physicians treating them in Public Health Service Hospitals are inexperienced and untrained and are there to "practice on the Indians". There is a certain validity to this charge as well. The physicians in most Indian Hospitals are just out of internship and work without supervision. We have through our Maternal and Child Health project added two highly trained pediatricians to the staff at the Whiteriver Hospital. These two new physicians have been able to demonstrate the need for specialty care at least in the area of pediatrics. But more important, we have been able to demonstrate the fact that disease rates among the Indian population are much higher than for most other populations in this country. The types of problems that are seen among the Indian people are more similar to those found in underdeveloped nations than to those found in the average American citizens. Yet because of insufficient funding and other administrative difficulties, the Indian Health Service has not been able to provide specialty input of sufficient quality and accessibility either to adequately care for patients or to provide on going training for on site Public Health Service physicians.

A survey several years ago showed approximately a ten percent incidence of chronic ear disease among the Apache children. Our own figures, although incomplete as yet, show a higher incidence. Yet there are no consistent ear, nose and throat services available for the care of these patients.

EXHIBIT NO. 15 (Continued)

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In the four months that our Pediatricians have been in Whiteriver, they have made suggestions regarding basic standards of care for children. Some of these are observational, others procedural. In the face of this simple change in pattern of health care delivery, it has become rapidly apparent that the nursing staff is unable to accommodate even to these minimally incrsased standards of medical care because of the extreme shortage of nursing personnel. Our project originally requested the Indian Health Service to provide the nursing personnel necessary to achieve these minimal identified standards of medical care but because of Indian Health's inability to do so, have provided as many of these as possible ourselves.

The hospital building at Whiteriver has been recognized as being inadequate for quite some time. A new wing was added in 1960 and at that time the federal plans called for an addition of a second wing by 1965. Planning money was appropriated for this hospital in 1968, and a FECA study of the Whiteriver Hospital in 1970 stated that the older wing of the hospital was functionally and physicially inadequate in almost every respect and needed to be replaced. In spite of this, the planning money which had been appropriated in 1968 was not released for use until Tribal pressure was brought to bear on the legislature in 1972.

I would like to close by again stating that I am sympathetic with the Indians' criticism that the standard of health care at Whiteriver is not what it could be. The staff of the Whiteriver Indian Hospital continue to do an excellent job within the limits imposed upon them but the solution to this problem lies totally out of their hands. The solution to the problem requires national recognition that sufficient manpower and financial resources must be provided if the standard of medical care for Indians is to be improved. This increased funding and staffing must be provided within a system which does not impose arbitrary personnel ceilings and inflexible operating budgets.

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EXHIBITS NO. 16 and 17

* On file at the Commission.

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